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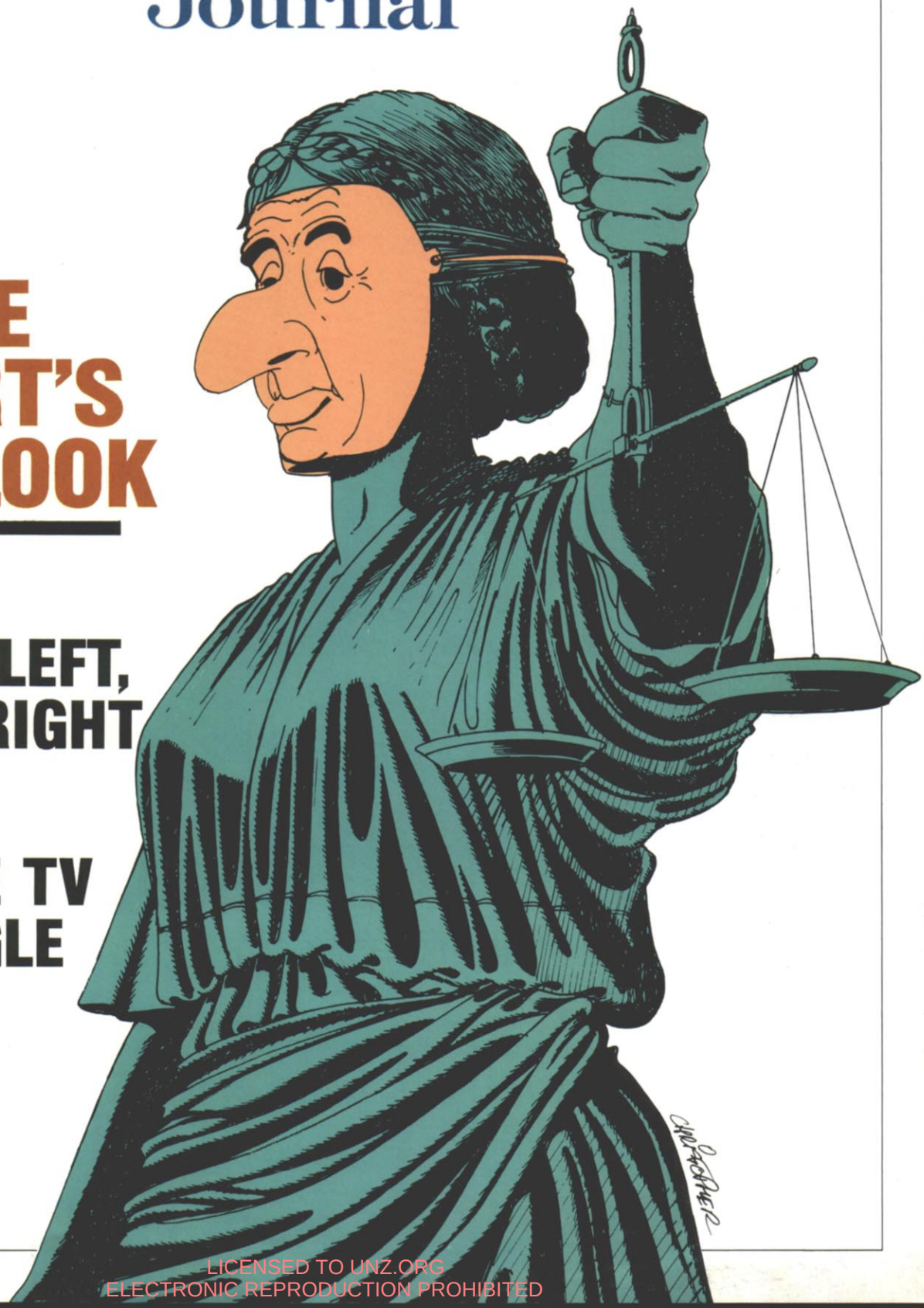

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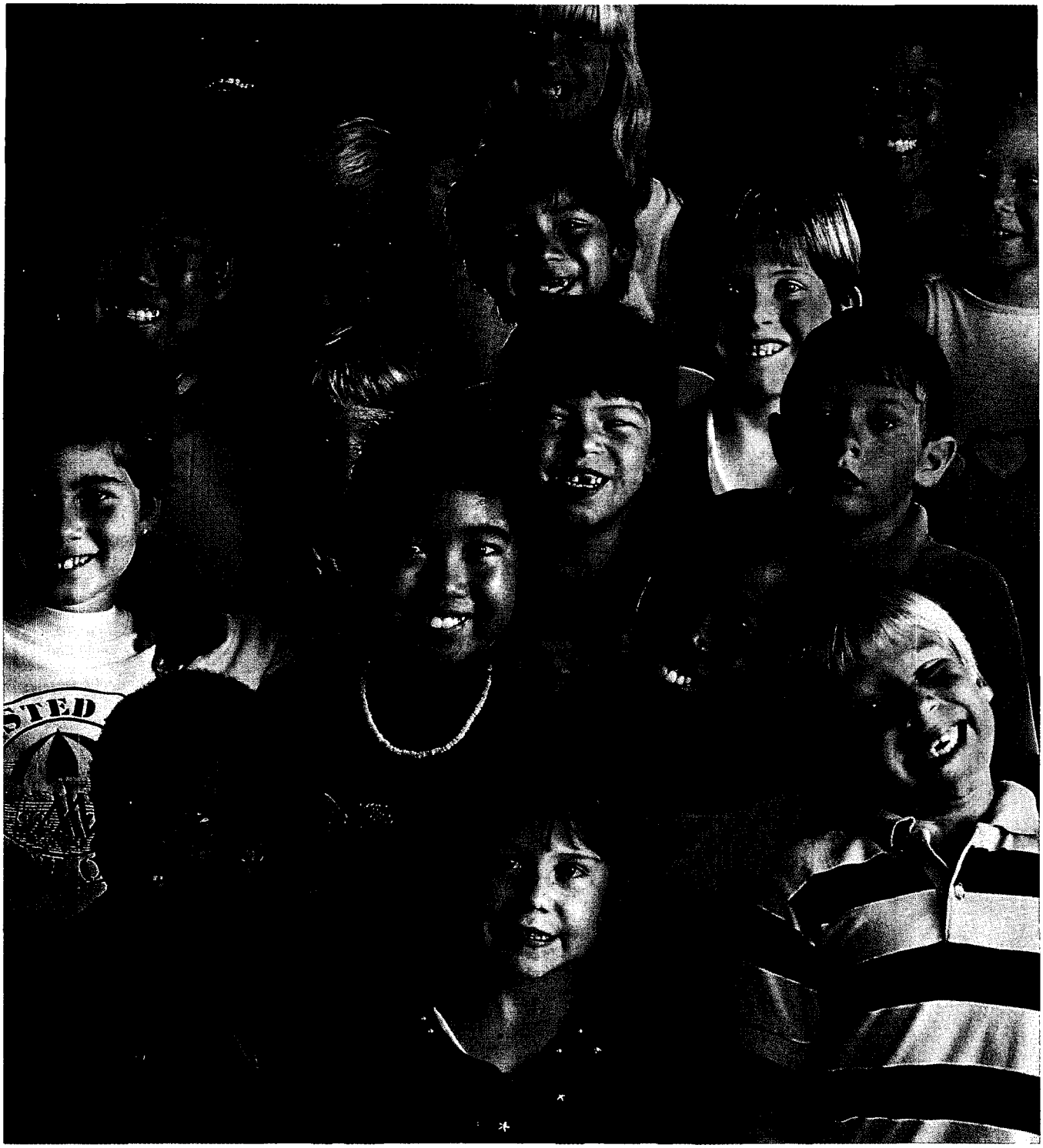

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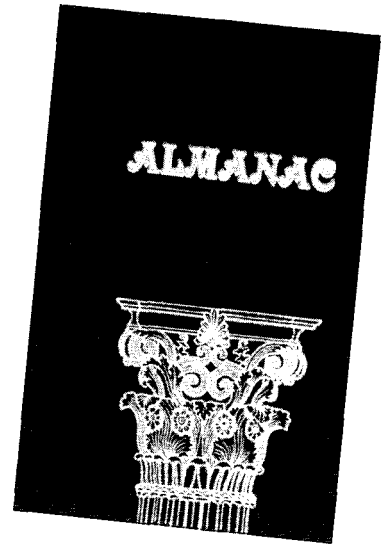

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CALIFORNIA Journal

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UP FRONT

The Balkanization of the Assembly is nearly complete. The emergence of the Gang of Five dissident Democrats has left no one commanding the loyalty of a majority of the Assembly (see "A crumbling speakership?" *CJ*, April 1988). The so-far-unsuccessful motions to dump Speaker Willie Brown have brought them into the open and created a kind of numbers game. First there was the Five (Areias, Calderon, Condit, Eaves and Peace). Then, the "Magnificent Seven" Republicans (Allen, Bader, Bradley, Harvey, Jones, Kelley and Statham) proclaimed themselves a faction hostile to Minority Leader Pat Nolan and cooperating on occasion with the Five in a group that has been tabbed by Brownites as the "Dirty Dozen." There was talk of loyal conservative Democrats forming a group (Clute, Costa, Norm Waters and possibly more), and the Grizzlies (a whole gaggle of "true liberal" Democrats) have been heard to do a little grumbling. There are still even a substantial number of Brown and Nolan loyalists.

But holding the balance of power in both caucuses, and still to be heard from, are the "Jumpers." The Jumpers are the ones who are going to wait until they see which way the wind is blowing, and then make sure they go with the winner. They don't really care much who is speaker, as long as their own turf is preserved, or maybe enhanced a little. It is the Jumpers who will make sure the Gang-backed motions to vacate the chair — and leave the Assembly without any leader — don't pass. They want to be certain who the next speaker will be before they act. And aside from Nolan, no one is openly seeking the job, although some of the Gang have said they would be happy if one of their numbers gets the job.

As a result, a sort of paralytic stability has settled over the house. Lobbyists are frantically seeking shelter for their clients, and little gets done in committee or on the floor where most time is spent plotting in caucus meetings. Meanwhile, the state is facing a billion-dollar deficit, the insurance industry is in crisis and elections are on the horizon. All in all, the Assembly these days has the charm of the Italian parliament, except, of course, we don't have Cicciolina.

Ahem. A poem by that noted bard of the Capitol Press Corps, Steve Wiegand (spelled W-i-e-g-a-n-d), correspondent for the *San Francisco Chronicle*, that reflects Speaker Willie Brown's outlook on life in the Assembly:

The Gang of Five Blues
(sung to "Yellowstain Blues" from *The Caine Mutiny*)

I got the Gang of Five blues,
The mean old Gang of Five blues.
The Gang's full of upstarts,
didn't want to pay dues.
The caucus said "punish!"
What else could I do?
I got those Gang of Five blues.

I stripped their committees,
I cut back their staff.
I gave them new seatmates;
they all felt my wrath.
But they ain't actin' sorry
and the press says I'm through.
I got those Gang of Five blues.

They all said they loved me,
but they were all phonies.
Now they tell folks
I'm just Hitler dressed in Bironis.
If they team up with Nolan
it means I'm destined to lose.
I got those Gang of Five blues.

Now, I'm warnin' you folks
who want to be speaker.
Don't be friends with young punks,
it'll just make you weaker.
You treat them real nice,
you'll just dig your own hole-a.
The next thing you know,
you're back in Mineola.
I'm not packin' my bags yet,
but I guess it ain't news,
I got those Gang of Five blues.

Bar the door, and other things. The Christian Action Council of Southern California wants school health clinics to stop giving out contraceptives. Thus, it supports a bill (AB 3725) by Republican Assemblywoman Marian LaFollette that would force the clinics to stop dispensing, among other things, condoms. The Council recently sent a memo to legislators and staff, reminding them about experts set to testify on LaFollette's bill. One expert was William Allen, a member of the federal Commission on Civil Rights who, according to the memo, "is concerned that our compassion to provide the best care for our youth could be a Trojan horse for minorities ..."

A Groucho Marx special. The Legislature regularly hands out little commendations in the form of resolutions to distinguished and marginally distinguished visitors, important constituents, large contributors, retiring staff and others it cares to honor. When Assembly Speaker Willie Brown and Senate President pro Tempore David Roberti led a delegation of lawmakers, staff and lobbyists back to Washington, D.C. in April for a little merry-making, they took along an attache-case full of resolutions to give out at the delegation's annual Washington bash. The bouquets were meant for past and present members of the Reagan administra-

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tion who hailed from California. Thus, for his "service to the nation," did the California Legislature bestow a joint resolution upon (among others) Lyn Nofziger, recently convicted in federal court for influence peddling after leaving Reagan's employ. The criterion for receiving the resolution: showing up at the $2000-a-pop dinner.

Can one vote make a difference? Last year a Union City school district (Alameda County) placed an $11 million bond measure on the November ballot, requiring two-thirds approval by voters. The measure originally failed by 10 votes out of over 5000 cast. A recount, requested by the district, showed that the measure had passed 3520 to 1759 (66.*67* percent approval). But a subsequent recount, requested by another elector, found two more negative votes. Those "nays" dropped the approval rate to 66.*65* percent — below the necessary two-thirds. The district took the matter to court where one of the major issues was whether to count ballots with "hanging chads" — those little dots of cardboard that are supposed to be punched out of a voter card but often cling to the backside and can disqualify a ballot. In a one-day hearing this past February, an Alameda County judge declared three chad-ridden ballots as "aye" votes, raising the approval rate back to a successful 66.*67*.

Ever willing to help the public understand bureaucracy, government often examines itself for clues on how to simplify procedures, names, titles, whatever. Take the state Department of Insurance. In a March 31st memo the department outlined several name changes meant to eliminate confusion. For example, because the department's Consumer Affairs Division was often confused with the Department of Consumer Affairs — a whole separate chunk of state bureaucracy — the department changed Consumer Affairs Division to "Consumer Services Division." Only, the Department of Insurance already had a Consumer Services *Bureau*. No problem. It changed Consumer Services Bureau to "Underwriting Services Bureau."

Okay, maybe these two changes helped allay some confusion. But instead of stopping, the department plunged on, changing its Field Operations Bureau to "Field Rating and Underwriting Bureau," not to be confused with the newly-named "Underwriting Services

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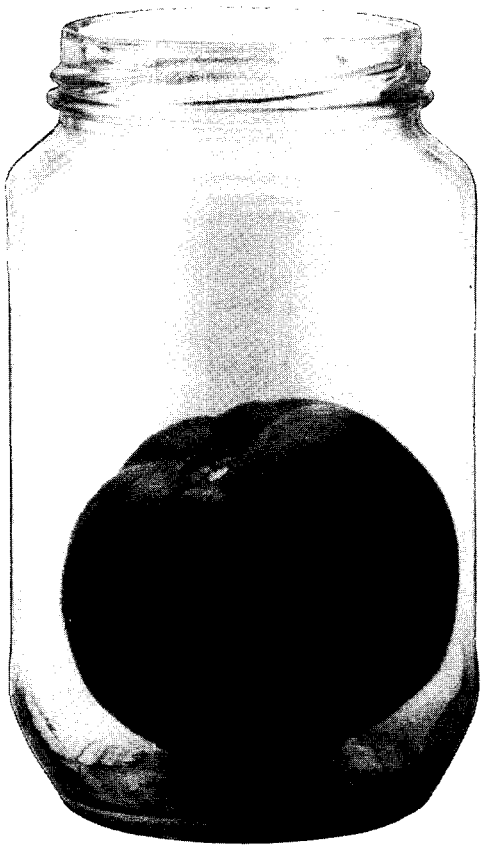

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Bureau." The Rate Administration Bureau became the "Rating Services Bureau," not to be confused with the Rate Specialist Unit whose name remained unchanged. One reason we love bureaucracies is their inability to contain themselves to low-level tinkering.

Apologies to Jack Calkins, Stockton's chief of police. Seems we gave away his job last month. In our district-by-district analysis of the June primary election, we said that Assemblyman Pat Johnston's November opponent — William Correll — was Stockton's top cop. Actually, Correll is police chief for the Stockton Unified School District. And while we're on the subject of goofs, our article last month on the proposed Mohave County said that "no new county has been formed in the state since Imperial County broke away from Riverside County in 1907." Wrong, writes William Swafford, state documents librarian at the Riverside City and County Public Library. According to Swafford, Imperial County was created from San Diego County.

Assemblywoman Marian LaFollette recently authored a resolution setting May 8, 1988, aside as Mother's Day and commemorating "those women who gave us life." The Northridge Republican then issued a press release, telling the world what she'd done on behalf of mothers. As courageous a resolution as we've seen in years, decades.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." so rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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— William Allen White

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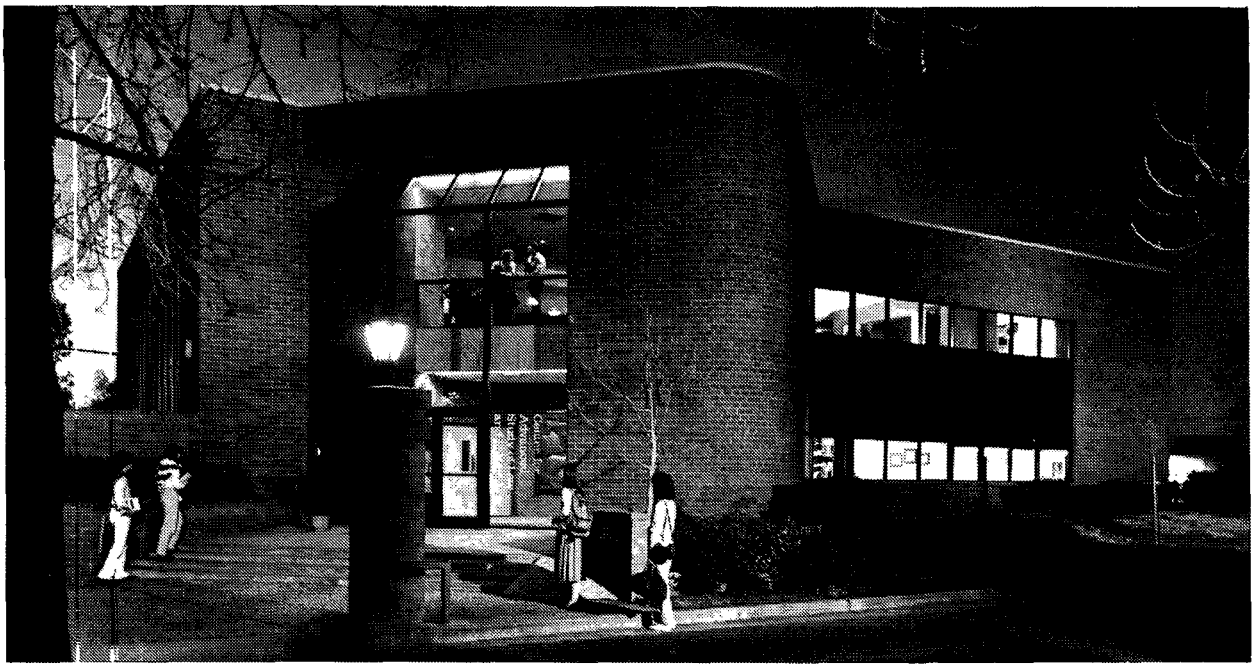

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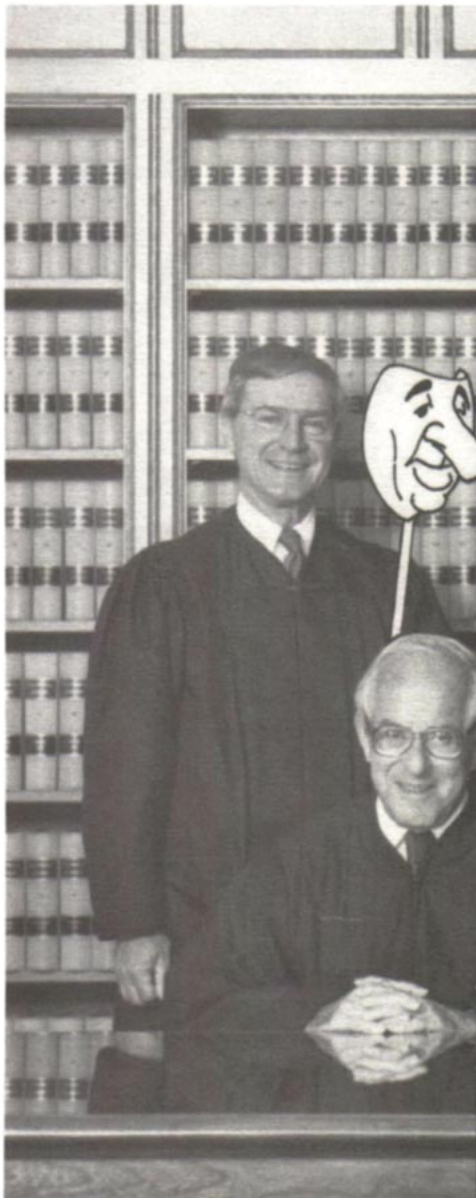

The Duke puts a new face on the Supreme Court

By Robert Egelko

The new California Supreme Court is an object of neither national renown nor statewide hostility. Instead, it has returned to its role as the least visible — though by no means the least influential — branch of government.

It was just over a year ago that Governor George Deukmejian was celebrating two triumphs: his own re-election and the unprecedented defeat of Chief Justice Rose Bird and Justices Joseph Grodin and Cruz Reynoso, the heart of the Court's liberal majority. Given a chance to remake the Court he had long attacked, Deukmejian appointed three veteran, conservative appeals court judges: Marcus Kaufman, John Arguelles and David Eagleson; elevated Malcolm Lucas, his former law partner, to chief justice, and predicted they would restore the Court's national stature and public esteem.

To date there have been some surprises — a ruling limiting the impact of the business-backed "deep pockets" initiative and a refusal to order immediate enforcement of a parental consent abortion law — but not many. The Court has moved decisively if not uniformly to the right; it has upheld most but not all death sentences, and established an air of harmony among its members and the legal community.

The controversy that seemed to attend every action of the Bird Court has disappeared. Rulings by the Lucas Court occasionally draw criticism but don't seem to stir public anger.

"It's exactly what the people wanted and what the state needed — a more sober, centrist, lawyerly rather than ideological Court," said Stephen Barnett, a University of California, Berkeley, law professor who was one of Bird's most prominent academic critics.

Not everyone agrees. Trial lawyers and consumer groups are unhappy with the Court's business sympathies, reflected in rulings on insurance, product suits and utility rates. Criminal defense lawyers see an undue willingness to follow the increasingly conservative U.S. Supreme Court and to rubber-stamp trial judges' rulings. And civil rights advocates fear the loss of hard-won ground, particularly in the area of abortion.

There are other sides to the new era of calm and sobriety. The Bird Court, though widely viewed as having declined in

Robert Egelko covers the state Supreme Court for the Associated Press in San Francisco.

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stature from California's pre-eminence among state supreme courts remained on the cutting edge of legal issues nationwide — privacy, family relationships, the environment, redress for injuries, state constitutional law. The Lucas Court is not likely to play that role; its attributes do not appear to include creativity.

"This is the gray flannel Court," said Ronald Collins, visiting professor of law at Syracuse University, an authority on state constitutional law and a close observer of the California Court. "It'll be workmanlike, conservative on most issues. It will not do much independent thinking on its own. It won't chart any new frontiers. Given where we've been, given all the color that California experienced with the Bird Court, maybe it's time to have a gray flannel Court."

But the character of this Court has not yet been fully defined. It may become clearer sometime in the next few months, when the justices are expected to rule on the most overtly political case they have faced — the dispute over Congressman Dan Lungren's legislative confirmation as state treasurer.

A Court with a 5-2 majority of Deukmejian appointees must decide whether confirmation requires approval of only one house, as the governor and Lungren, his nominee, contend, or both houses, as Democratic lawmakers and Attorney General John Van de Kamp argue. Lungren has a difficult case to make. He asserts that a 1976 state constitutional amendment on filling vacant statewide offices, with provisions that have perplexed most commentators, has a "clear meaning" allowing confirmation by either house of the Legislature. In pushing that interpretation, Lungren is saying that the arguments by both sides in the voter pamphlet when the measure was on the ballot are irrelevant.

The case carries reminders of the 1986 election campaign, when Bird warned that removal of the justices would make future courts more beholden to the governor and other powerful interests. That may be an unfair yardstick to apply to this case, which involves a relatively uncharted area of law; but it will surely be viewed as a test of judicial independence.

Any assessment of the Court's first year must start with death penalty cases, which dominated the agenda.

Out of 65 signed rulings in cases not involving discipline of lawyers or judges, 20 were in death penalty appeals — a far higher percentage than in any other recent year. The Court is required to review death sentences. In other areas, where re-

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view is discretionary, the number of hearings granted dropped sharply from previous years.

Despite its emphasis on capital cases, the Court's backlog of death penalty appeals has actually increased, from 170 to 200. That record, and the Court's below-normal output of overall rulings, were due largely to a slow start during a breaking-in period for the new justices. Some defense lawyers also see a new aggressiveness by prosecutors statewide in seeking death sentences. But in the area that evidently matters most to the public — the bottom-line result — the Court has done a turnaround.

The Bird Court upheld four of the 68 death sentences it considered — a record that was the largest single factor in the campaign against the defeated justices. The Lucas Court upheld 15 of the first 20 death sentences it considered, voting later to reconsider one it had affirmed. Just as important, the Court appears to have changed the way it looks at death penalty appeals.

Many of the Bird Court's death sentence reversals involved problems with the 1978 Briggs death penalty initiative, far from a model of clarity or constitutional restraint. But in other cases, the issue that often divided the Court was whether trial errors — questionable evidence, inflammatory prosecution arguments, confusing jury instructions — made the proceedings unfair and warranted a retrial. The Lucas Court appears to assess trial records with a less demanding eye, frequently reaching a conclusion of "harmless error." In one recent case, the jury heard testimony that the defendant, charged with rape and murder, had solicited someone to commit another murder and was concocting a bizarre scheme to rob and kill Southeast Asian refugees. Arguelles, for a 5-2 majority, said the evidence may have been improper but could not have affected the verdict; the dissenters, Justices Stanley Mosk and Allen Broussard, protested that the evidence was irrelevant and could well have persuaded the jury that the defendant would kill again if allowed to live.

Similarly, decisions by a defense lawyer to allow damaging evidence or forego a possible defense are regularly labeled legitimate tactical choices. In one case, the lawyer for a convicted torture-murderer told jurors that a death sentence might free his client from the inner torment of a dual personality. Only Broussard voted to reverse on the grounds of inadequate legal representation.

The most important death penalty ruling had been widely expected: the Court, over Broussard's dissent, quickly reversed his 1983 ruling that an unintentional killer could not be executed — an issue cited by the Bird Court in at least 15 reversals. More surprising was the fact that the author of the new ruling was Mosk, a self-described death penalty opponent who had joined Broussard's 1983 decision but showed his political astuteness by surviving the 1986 election.

Other death penalty issues have been left largely to Lucas, a regular dissenter from the Bird Court's rulings, and author of more than half the current Court's decisions on capital cases. His approach has been not to overrule prior legal rulings, but to redefine them and narrow their scope. As a result, two key rulings remain on the books but have been stripped of almost all their meaning: one requiring the defense lawyer to offer available evidence against a death sentence even if the client objects; the other requiring judges to tell jurors to use their own judgment in choosing the appropriate sentence rather than mechanically weighing aggravating against mitigating factors.

Overruling liberal decisions is thought to pose a dilemma for conservative judges, who are seen as devotees of stability and precedent. That dilemma may be overstated, as the U.S. Supreme Court showed in April when a conservative majority voted to re-examine a key 1976 civil rights ruling; the Lucas Court has not shown much reluctance at least to reconsider rulings of recent years.

In addition to the death penalty cases, the Court has reversed a 1985 decision that restricted evidence of past burglary convictions that could be used to increase sentences. In another case, Lucas — though claiming to stop short of an express overruling — nullified a decade of decisions that had allowed California courts to go farther than federal courts in excluding evidence of illegally obtained but voluntary confessions.

The confession case was one of six criminal cases that were taken up by the Lucas Court for reconsideration after the Bird Court had ruled on them. The rulings had not yet become final when the new justices took office and granted prosecution requests for rehearings.

The Court did uphold an important death penalty precedent, prohibiting judges from telling jurors that the governor could commute a life-without-parole sentence. But the willingness to take a new look at old issues has prompted business groups as well as prosecutors to mount fresh challenges to seemingly settled doctrines.

The key test of the Court's attitude toward precedent may come on Medi-Cal abortions, preserved from legislative attacks by a 1981 Bird Court ruling based on the right of privacy under the state Constitution. Abortion-rights groups have devised an innovative strategy to save that ruling, arguing — based on one of the Lucas Court's own decisions — that the Legislature improperly used the state budget to change the abortion laws, rather than passing a separate law. Those groups were also heartened by the Court's refusal to disturb lower-court orders blocking immediate enforcement of the

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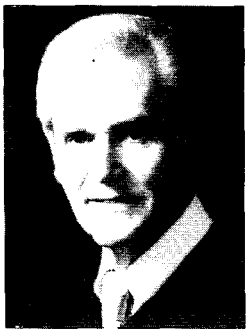
Lucas

ussard

Eagleson

Kaufman

sk

Panelli

Arguelles

state's parental consent law for minors' abortions. But sooner or later the abortion issue is likely to come before a court that has shown little fondness for the hallmark of California courts since the 1960s — the use of the state Constitution to expand individual rights.

The abortion ruling was one of many in which a liberal California Court has relied on the state Constitution to insulate the state from the effects of U.S. Supreme Court decisions. The doctrine has been used most extensively in criminal law areas like searches and confessions, prompting a backlash in the form of a 1982 ballot initiative known as the Victims' Bill of Rights. Critics, including Deukmejian, have attacked the practice as a legal fiction designed to allow judges to exercise their own policy preferences. Lucas, while not disavowing the practice, has sought to sharply restrict its use, as shown in his opinion on confessions earlier this year and his past votes to reconsider the abortion decision.

"This Court, in the area of criminal justice, is no longer going to extend rights beyond the federal minimums," said Collins, the Syracuse professor who is an advocate of state constitutional law. Noting Lucas' background as a federal judge, he said the chief justice "doesn't seem to see the state Constitution as an independent source of law."

Apart from the constitutional area, the Court relied on decisions from other states in a unanimous ruling that required patients harmed by prescription drugs to prove negligence. Business lawyers praised the justices for returning to the mainstream; plaintiff's lawyer LeRoy Hersh said California had gone from a national pace-setter to "a 'me-too' Court."

Another theme of the new Court has been judicial restraint, or deference to policy-makers. Though the doctrine can be overstated — judges of every stripe often cannot avoid making law or shaping social policy — it can define genuine differences between courts in areas such as scrutiny of government practices and constitutional review of laws. The Lucas Court has generally followed the doctrine, with one possibly revealing exception.

The Court has not ruled any laws unconstitutional and has regularly advised objectors to take their complaints to the Legislature. That was Justice Edward Panelli's conclusion in a decision upholding a law requiring drivers stopped by police to provide proof of insurance or risk losing their licenses.

Deference was also a central theme of a major 1987 ruling upholding roadblocks to check drivers at random for drunkenness. With no express legislative authorization for roadblocks, Kaufman's 4-3 majority decision said the general police authority to enforce traffic laws included the power to set up various safety programs. In rejecting arguments that claimed that stopping drivers without individual suspicion violated the constitutional ban on unreasonable searches and seizures, Kaufman relied heavily on police judgment that roadblocks were both necessary and effective.

The Court also deferred to a Public Utilities Commission decision that Pacific Gas & Electric Co. should be allowed to avoid cash-flow problems by keeping the money it saved by using nuclear fuel at the Diablo Canyon plant. And the justices, six of whom are former trial judges, have deferred consistently to trial court rulings in criminal cases, and have up-

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held judges' power to jail repeated truants for contempt and to restrict grand jury disclosures.

But the Court was far less deferential when it assessed the state Fair Employment and Housing Commission's powers in job discrimination cases. Panelli's 6-1 decision read a state law narrowly, and rejected the commission's own interpretation, in concluding that punitive damage awards were not authorized. He also suggested that a law allowing an agency to award unlimited punitive damages might be unconstitutional — one of the few times the Court has been receptive to a constitutional claim.

The justices could also be said to defer to each other. The Bird Court regularly spoke with many voices, sometimes because of sharply divergent views, sometimes because members, notably the chief justice, appeared to prefer self-expression to consensus. The Lucas Court generally speaks with few voices, and often with only one.

The unanimous rulings have included the restrictions on prescription drug suits and a decision a week later limiting suits against manufacturers of the cancer-linked drug DES. The ruling upholding the proof-of-insurance law had no dissents, although Broussard and Mosk wrote a reluctant concurrence. There were also multiple opinions but no dissents in a ruling upholding adults-only restrictions for mobile homes. Two unanimous rulings by Mosk limited the governor's veto powers and restricted psychiatric examinations of plaintiffs in sexual harassment suits. Six of the death penalty affirmations, and all five reversals, had no dissents.

Unanimous rulings have the virtues of clarity and credibility, though they may be missing the full airing of an issue that a judicial debate can provide. Bird's penchant for writing separate opinions caused some scholars to question her approach to the job of chief justice, but she gave her Court something the current Court lacks — a voice to raise new legal arguments and push the law to its limits.

The Court's frequent unanimity is widely credited to Lucas, who is a diplomat and a judicial insider — two things Bird was not. The current justices seem to get along better than the Bird Court, whose internal frictions were laid bare in 1979 public hearings. Probably another factor is the relative lack of diversity; these are all middle-aged men who have spent much of their professional lives as judges. Unlike the previous Court, there are no former public defenders, no former poverty lawyers, and no women.

A more frequent feature than unanimity, however, has been the voting bloc of Deukmejian appointees, which has held firm in all but a few rulings. Mosk and Broussard have dissented together in a number of cases, including the rulings to allow the jailing of repeat truants and to let a defendant block the presentation of evidence against a death sentence. Just as often, however, one or the other — usually Mosk — has joined the majority for a 6-1 vote; that was the case in the intent-to-kill ruling, the burglary sentencing decision and the Fair Employment and Housing Commission case, in each of which Broussard dissented alone.

Most intriguingly, there have been a few hints of a new voting alignment. Panelli and Arguelles have each left the Deukmejian bloc individually and joined the dissenters in one major case — Panelli in the roadblock decision, Arguelles in the confession case. On April 21st, for the first time, they joined Mosk and Broussard in a stunning 4-3 majority that refused to hold the 1986 "deep pockets" initiative retroactive, instead applying its limits on damages only to injuries that occurred after the measure passed. The ruling was written by Arguelles and drew a biting dissent from Kaufman who accused the majority of an "unstated bias."

The same alignment showed up a week later in a case on student voter registration. It could be a sign of an emerging moderate or "swing" bloc on the Court — an important development for the future. Or the explanation may simply be that no Court, not even one whose majority was picked by George Deukmejian, is ever completely predictable.

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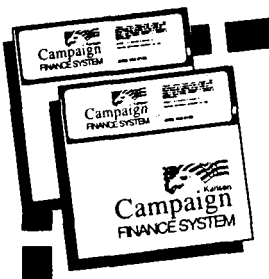

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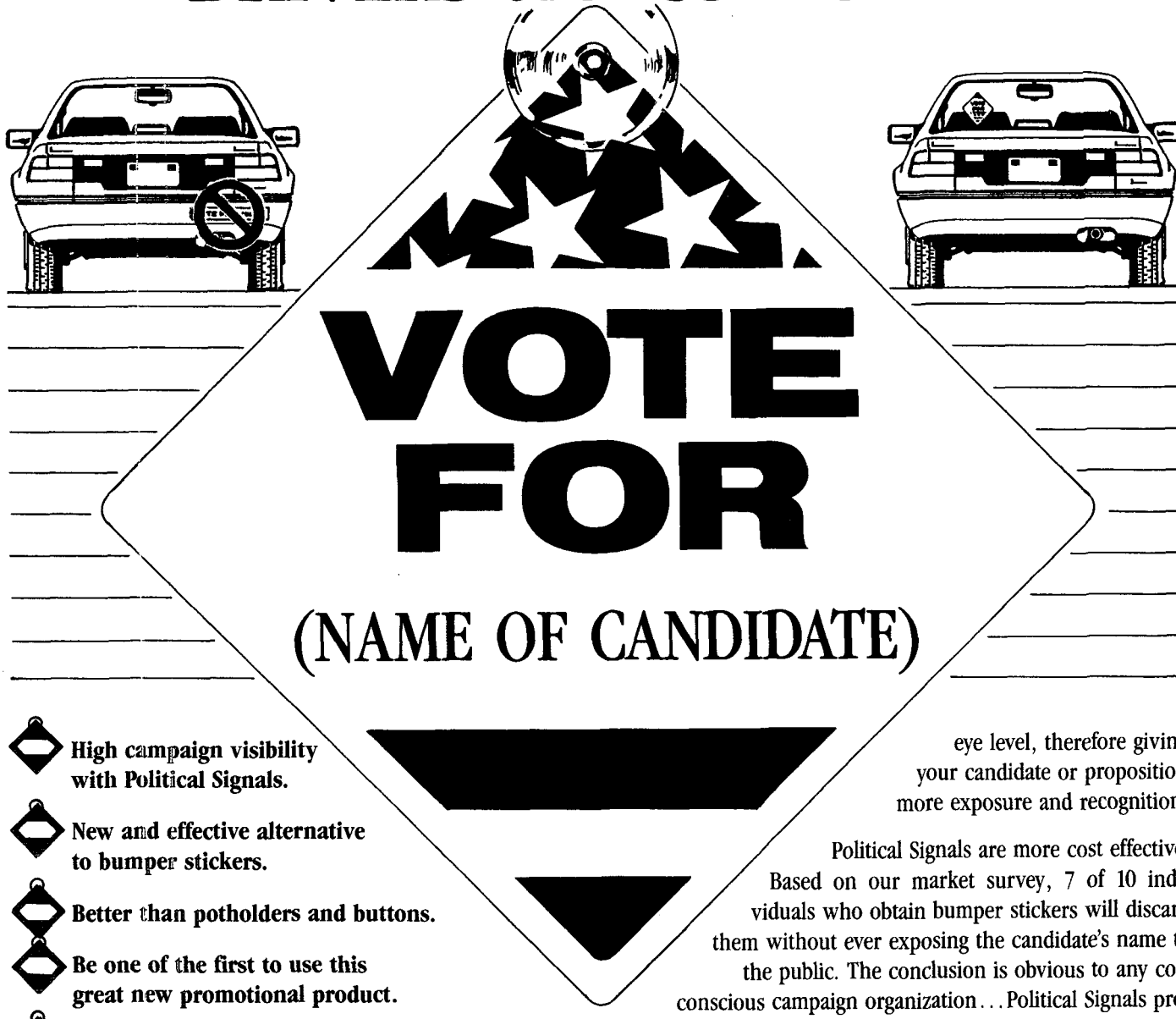

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Polanco (D)	100	100
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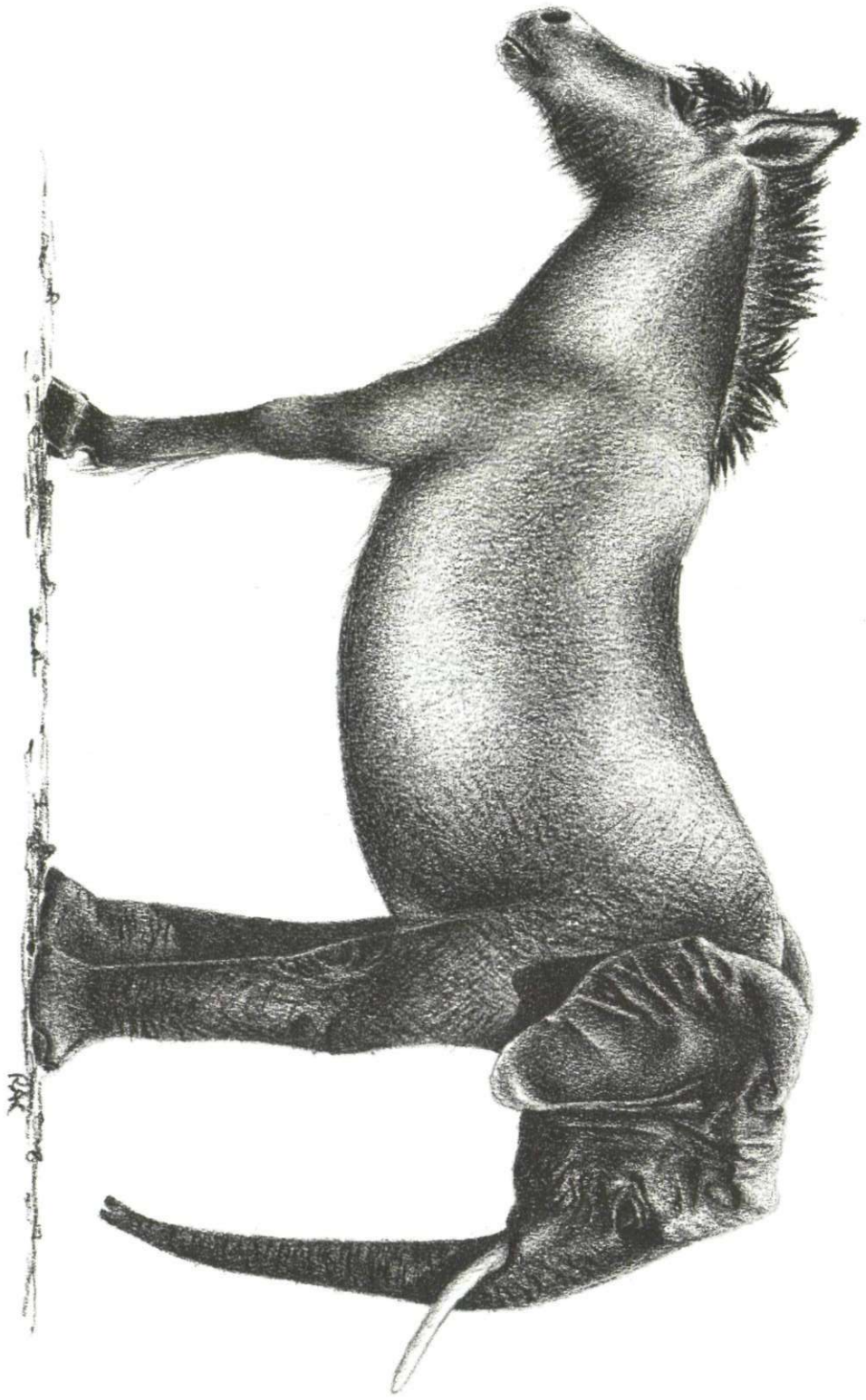
Vasconcellos (D)	100	100
W. Brown (D)	97	97
Campbell (D)	97	100
Hannigan (D)	97	100
Harris (D)	97	100
Hughes (D)	97	100
Klehs (D)	97	97
O'Connell (D)	97	97
Roos (D)	97	97
Speier (D)	97	—
Killea (D)	97	92
M. Waters (D)	97	100
Farr (D)	95	100
Tanner (D)	95	100
Eastin (D)	94	—
Hauser (D)	94	100
Katz (D)	94	88
Sher (D)	94	97
Bane (D)	94	92
Moore (D)	94	100
Bronzan (D)	94	97
Floyd (D)	93	87
Areias (D)	92	97
Tucker (D)	92	94
Cortese (D)	92	100
Peace (D)	91	56
Condit (D)	91	85
Elder (D)	91	91
Chacon (D)	89	83

SENATE	1988	1987
B. Greene (D)	100	96
Marks (D)	100	97
Petris (D)	100	100
Rosenthal (D)	100	97
Watson (D)	100	100
Hart (D)	97	93
McCorquodale (D)	97	81
Lockyer (D)	96	90
Roberti (D)	93	91
Keene (D)	92	100
Alquist (D)	92	88
Dills (D)	91	94
Mello (D)	90	88
Torres (D)	90	97
Robbins (D)	89	86
Deddeh (D)	86	72
L. Greene (D)	86	93
Garamendi (D)	85	88
C. Greene (D)	84	—
Boatwright (D)	81	81
Kopp (I)	79	—
Presley (D)	79	45
Ayala (D)	78	59
Vuich (D)	70	58
Craven (R)	70	44
Montoya (D)	69	55
Morgan (R)	53	43
Beverly (R)	58	64
Bergeson (R)	61	81
Russell (R)	69	93
Davis (R)	74	62
Nielsen (R)	74	88
Campbell (R)	80	50
Seymour (R)	82	82
Ellis (R)	89	79
Maddy (R)	94	65
Royce (R)	96	96
Rogers (R)	97	—

▲ Percent liberal vote

▼ Percent conservative vote



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A *CALIFORNIA JOURNAL* SURVEY

Who's conservative? Who's liberal?

By Elaine Guidoux

California's Legislature remains very polarized between conservatives and liberals (translate: Republicans and Democrats), with few lawmakers able to truly claim they are moderate or independent of their party, according to the results of a survey of legislative voting records.

This second survey of legislative voting confirms what *California Journal* found a year-and-a-half ago: More than 80 percent of all legislators rarely break ranks with their party. For our analysis, we considered a legislator to have a moderate voting record if he or she broke ranks no less than 20 percent of the time among bills chosen for the survey.

(Admittedly, bills for this survey were chosen to accentuate the differences between legislators when it came to political philosophy. However, overall, we believe they give an accurate portrait of the way lawmakers vote.)

In the Assembly, not one Republican is more liberal than the most conservative Democrat, and in the Senate only one Republican had a more liberal voting record than any Democrat. Although highly-polarized houses remained the norm, the voting record of the Legislature as a whole became slightly more liberal, according to the *Journal*'s scale.

However, the senators and Assembly members we spoke with disagreed with this conclusion. If anything, they suggest the opposite is true. They believe the overall content of many bills authored by majority Democrats has become more conservative, thus winning the support of more moderate and conservative members. But the scale used by the *Journal* has no way of measuring "moderate." It measures only in absolute terms. So, votes for slightly liberal measures become absolutely "liberal" on the vote scale. The most liberal features of these bills actually have been moderated in committee, before the bills reach the floor of each house. It should also be remembered that what is "liberal" or "conservative" changes over time.

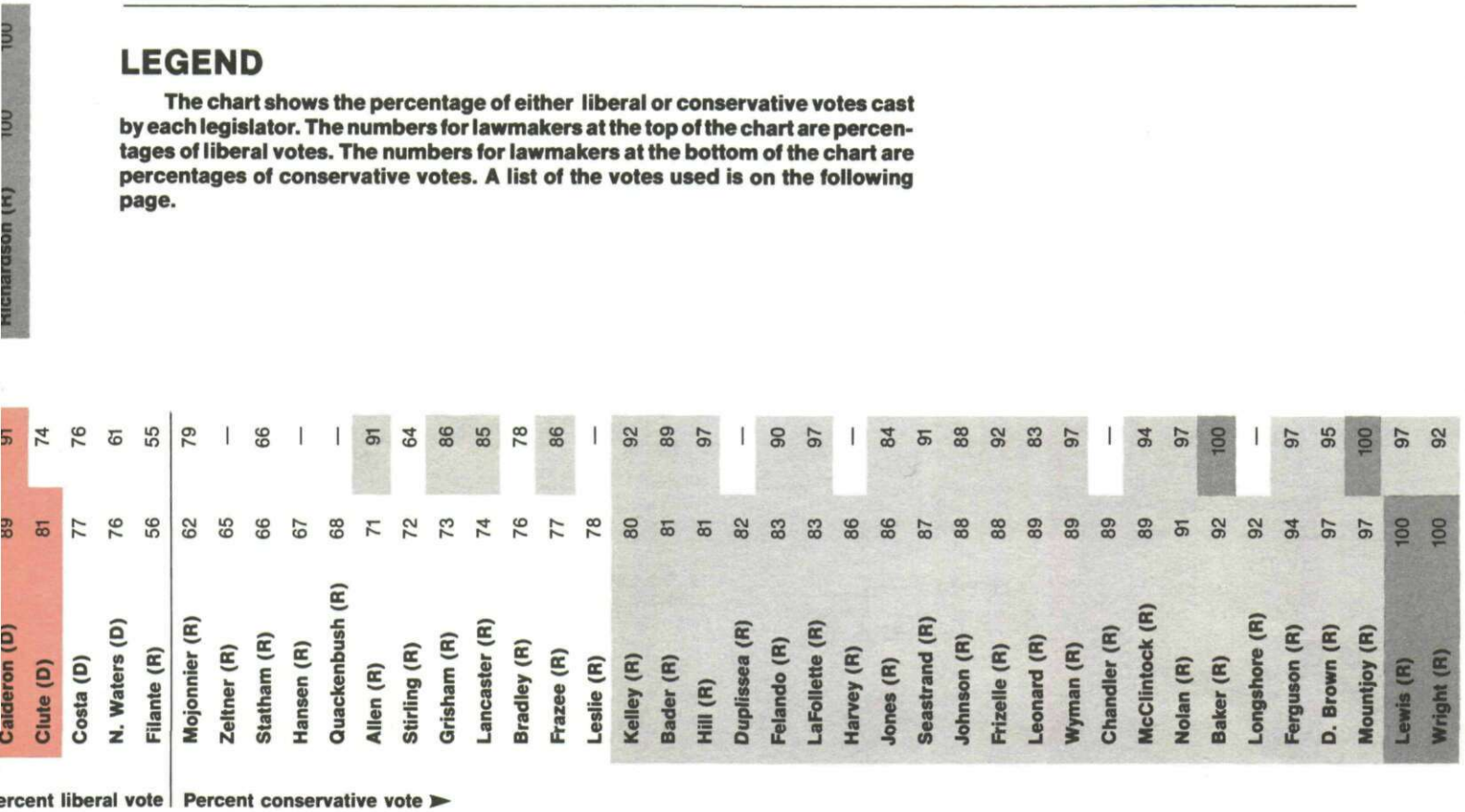
Still, we believe there is merit is ranking legislators. Lawmakers are frequently called "liberal" or "conservative," sometimes at their own behest but most often based on anecdotal information. Members of the "Gang of Five," for exam-

Continued on page 245

Elaine Guidoux is a California Journal *intern.*

LEGEND

The chart shows the percentage of either liberal or conservative votes cast by each legislator. The numbers for lawmakers at the top of the chart are percentages of liberal votes. The numbers for lawmakers at the bottom of the chart are percentages of conservative votes. A list of the votes used is on the following page.


Richardson (R) 100
Calderon (D) 89 91
Clute (D) 81 74
Costa (D) 77 76
N. Waters (D) 76 61
Filante (R) 56 55
Mojonnier (R) 62 79
Zeltner (R) 65 —
Statham (R) 66 66
Hansen (R) 67 —
Quackenbush (R) 68 —
Allen (R) 71 91
Stirling (R) 72 64
Grisham (R) 73 86
Lancaster (R) 74 85
Bradley (R) 76 78
Frazee (R) 77 86
Leslie (R) 78 —
Kelley (R) 80 92
Bader (R) 81 89
Hill (R) 81 97
Duplissea (R) 82 —
Felando (R) 83 90
LaFollette (R) 83 97
Harvey (R) 86 —
Jones (R) 86 84
Seastrand (R) 87 91
Johnson (R) 88 88
Frizelle (R) 88 92
Leonard (R) 89 83
Wyman (R) 89 97
Chandler (R) 89 —
McClintock (R) 89 94
Nolan (R) 91 97
Baker (R) 92 100
Longshore (R) 92 —
Ferguson (R) 94 97
D. Brown (R) 97 95
Mountjoy (R) 97 100
Lewis (R) 100 97
Wright (R) 100 92
Percent liberal vote
Percent conservative vote ►

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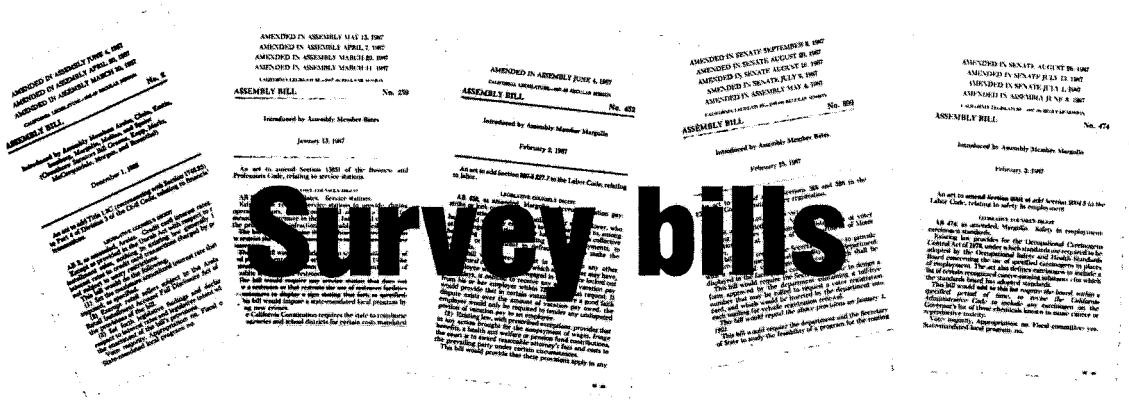

Survey bills

AB 2 (Areias)
Subject: Credit Card Interest Rates
"Yes" vote: Liberal

AB 36 (Floyd)
Subject: Motorcycle Helmet Use
"Yes" vote: Liberal

AB 37 (W.Brown)
Subject: Education, Extending Categorical Programs
"Yes" vote: Liberal

AB 214 (Margolin)
Subject: Patient Dumping
"Yes" vote: Liberal

AB 259 (Bates)
Subject: Service Stations
"Yes" vote: Liberal

AB 368 (Moore)
Subject: Parental Leave
"Yes" vote: Liberal

AB 435 (Floyd)
Subject: Criminal Penalties for Unsafe Working Conditions
"Yes" vote: Liberal

AB 452 (Margolin)
Subject: Lockouts, Strikes, Accrued Vacation Pay
"Yes" vote: Liberal

AB 474 (Margolin)
Subject: Occupational Safety, Carcinogens
"Yes" vote: Liberal

AB 607 (M. Waters)
Subject: Plant Closures
"Yes" vote: Liberal

AB 701 (Floyd)
Subject: Health and Safety Violations, Penalties for Governmental Entities
"Yes" vote: Liberal

AB 859 (Sher)
Subject: Safe Drinking Water
"Yes" vote: Liberal

AB 899 (Bates)
Subject: DMV, Voter Registration
"Yes" vote: Liberal

AB 922 (Floyd)
Subject: Labor Enforcement
"Yes" vote: Liberal

AB 1108 (Connelly)
Subject: Medicare Supplemental Policies
"Yes" vote: Liberal

AB 1204 (Chacon)
Subject: Election Day Voter Registration
"Yes" vote: Liberal

AB 1300 (W. Brown)
Subject: Financial Institutions, When Credited
"Yes" vote: Liberal

AB 1471 (Sher)
Subject: Acid Rain
"Yes" vote: Liberal

AB 1701 (Peace)
Subject: Serious or Repeated Occupational Safety Violations, Harsher Penalties
"Yes" vote: Liberal

AB 1733 (Isenberg)
Subject: Aid to Homeless Families, AFDC Reforms
"Yes" vote: Liberal

AB 1785 (Hauser)
Subject: Aid to Homeless Families
"Yes" vote: Liberal

AB 2191 (Chacon)
Subject: School Districts, Single Member Trustee Areas
"Yes" vote: Liberal

AB 2274 (Frazee)
Subject: Abortion, Parental Consent
"Yes" vote: Conservative

AB 2457 (Hauser)
Subject: Voter Registration, Outreach Programs
"Yes" vote: Liberal

AB 2575 (Calderon)
Subject: Consumer Credit
"Yes" vote: Conservative

AB 2577 (Friedman)
Subject: CAL-OSHA, Criminal Liabilities for Indirect Employers
"Yes" vote: Liberal

AB 2588 (Connelly)
Subject: Air Toxics "Hot Spots" Information and Assessment Act
"Yes" vote: Liberal

SB 111 (Lockyer)
Subject: Campaign Financing Reform Act
"Yes" vote: Liberal

SB 136 (Hart)
Subject: AIDS Education
"Yes" vote: Liberal

SB 151 (Presley)
Subject: Strengthening the South Coast Air Quality Management District (SCAQMD)
"Yes" vote: Liberal

SB 256 (Rosenthal)
Subject: Ocean Incineration of Hazardous Wastes
"Yes" vote: Liberal

SB 436 (Hart)
Subject: Education, Class Size Reductions
"Yes" vote: Liberal

SB 467 (Petris)
Subject: Marketing Assistance Programs
"Yes" vote: Liberal

SB 912 (Robbins)
Subject: California Auto Assigned-Risk Plan, High-Risk Areas
"Yes" vote: Liberal

SB 921 (Rosenthal)
Subject: Methanol Storage Compatible Storage Tanks
"Yes" vote: Liberal

SB 1000 (Doolittle)
Subject: Disclosure of Test Results, AIDS
"Yes" vote: Conservative

SB 1059 (McCorquodale)
Subject: State Contracts for Minority/Women Business Organizations
"Yes" vote: Liberal

SB 1067 (Petris)
Subject: Ban Smoking on Public Transit
"Yes" vote: Liberal

SB 1089 (B. Greene)
Subject: Public Works, Unpaid Wage Claims
"Yes" vote: Liberal

SB 1156 (Lockyer)
Subject: Capital Punishment
"Yes" vote: Conservative

SB 1364 (Rosenthal)
Subject: Security Deposits, Homeless Shelters
"Yes" vote: Liberal

SB 1432 (Doolittle)
Subject: AIDS Testing for Determining Insurability
"Yes" vote: Conservative

SB 1473 (Petris)
Subject: Low-Income Housing
"Yes" vote: Liberal

SB 1658 (Torres)
Subject: Minimum Wage
"Yes" vote: Liberal

SB 1687 (Petris)
Subject: Mountain Lion Hunting, Ban Dog Use
"Yes" vote: Liberal

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ple, portray themselves as conservative Democrats, and they are, in comparison to most of their Assembly Democratic colleagues. But, none of the five voted the conservative position more than 12 percent of the time.

The most moderate member on the survey was Assemblyman William Filante of Greenbrae in Marin County, who said he was "not surprised" at his own score, adding that he felt "there are more moderates in the Republican caucus than myself." He also believes that the Assembly as a whole is more moderate than in the past. This sentiment was also shared by Majority Leader Tom Hannigan who said, "I could come up with more moderates in the Democratic and Republican caucus" than the survey reveals.

Despite the polarity that remains, in the Assembly more legislators this year had voting records that can be considered moderate; that is, they had fewer than 80 percent of their votes in one camp or the other. The number that fall into this range increased from 11 to 15 members, with Republicans making up the majority of this group. It is this trend — Republicans going along with measures authored by majority Democrats — that resulted in the Legislature becoming more liberal over all. Indeed, the Republican voting average became almost seven percentage points more liberal since the first survey was completed.

Less change occurred in the Senate, although a number of individual voting records became more liberal. The overall Senate voting average became only two percentage points more liberal, with Democrats accounting for most of the shift. Some senators suggested this slight movement may be the result of increased concern over social problems, and the growing need to do something about them.

For example, Senator Robert Presley of Riverside, who is the head of the "conservative caucus" of the Senate Democrats, said his more liberal score this year is probably due to his concern for environmental issues and the plight of the homeless. Added Majority Leader Barry Keene of Benicia: "The deteriorating condition of the poor has evoked a more liberal response." Yet Keene felt the Senate overall has not grown more liberal. "If anything, we've grown more conservative on fiscal issues and with increased (criminal) penalties."

Although there were some changes for individuals, overall, the scores of most lawmakers this year were similar to those recorded in the first survey. For example, first term Republican Senator Don Rogers of Bakersfield had a 96.6 percent conservative rating in the Senate. In the first survey, when he was an assemblyman, his score was 97 percent liberal.

The format for selecting bills did not change. Only bills which had at least one floor vote in either house were considered. We asked staff members from a variety of committees and working for both parties to suggest measures that clearly distinguished political philosophy. Only measures that generated some controversy, some dissenting votes, were used, while measures with unanimous approval were eliminated. This method no doubt tends to emphasize ideological differences. Assemblyman Filante noted that "voting patterns would look more polarized because liberal and conservative is all that's left."

As with any survey, problems arise when labeling any one individual as 100 percent liberal or 100 percent conservative. Depending upon what bills are used, members could rank higher or lower on the political spectrum. More than 100 bills were considered before the final 45 were selected. Just what constituted a liberal or conservative vote? Some issues were easier to define than others, such as parental consent for abortion. But what is the liberal or conservative stance toward prohibiting smoking in public? Things aren't always clear, and some bills were rejected for this reason.

Still, there are guidelines. As a general rule, conservatives are against increases in public spending and the expansion of public services. Conservatives also tend to favor the "business" approach to public policy questions. Liberals tend to back social programs and legislation that favors labor. In the end, we took the issues one at a time on the theory that if we couldn't develop an overall definition of a liberal or conservative, we knew one when we saw one.

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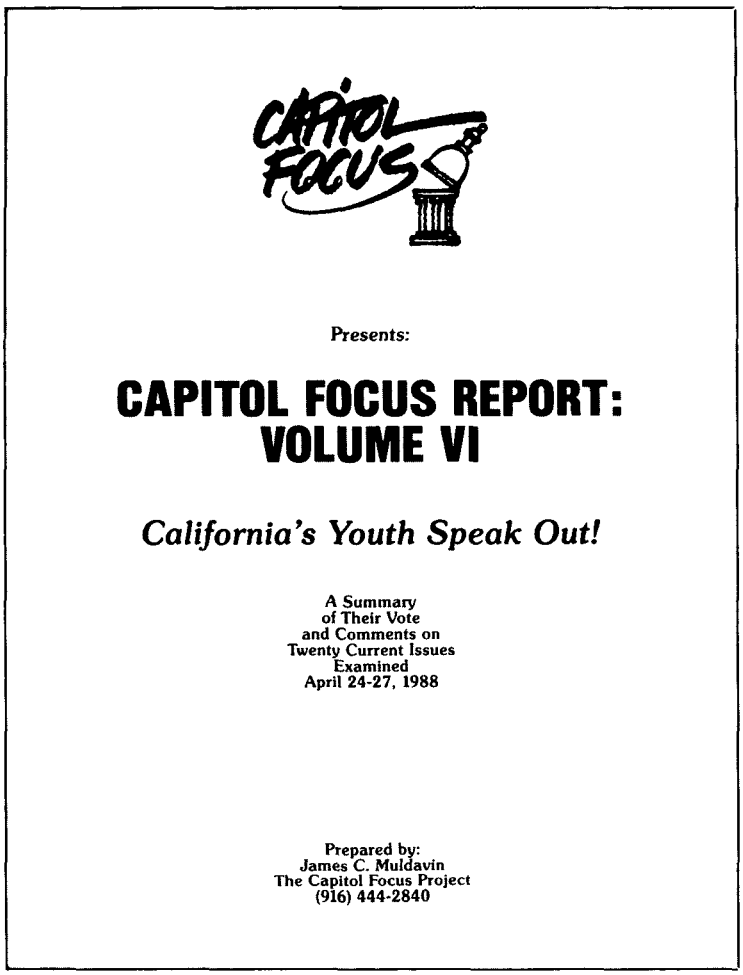

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Photo by Rich Pedroncelli

DEUKMEJIAN AND THE PRESS

An administration aggressively controls its image

By Steve Geissinger

Governor George Deukmejian's navy-blue suit clashed with the olive-drab flak jacket and camouflaged Army helmet he put on recently for the cameras. But the gag gifts he was given to protect him from the press go well with the more aggressive attitude he has demonstrated in his continuing quest to convince Californians he's doing a good job.

When the Republican governor thought the media had given him a black eye recently, he socked them back verbally in public addresses. Deukmejian, when donning the military battle gear that the YMCA's annual Model Legislature gave him in February, also criticized the role the media has played in recent political campaigns.

"The media itself, I think, has become more of a participant, rather than (being restricted to) the role of reporting and analyzing and commenting," he said. He cited events such as revelations about former Colorado Senator Gary Hart's private life, the plagiarism charges which drove Delaware Senator Joseph Biden from the presidential campaign, and CBS anchorman Dan Rather's heated interview with Vice President George Bush.

"I think there are a lot of people in the media who recognize that they are now, so to speak, a factor, and perhaps that they shouldn't be finding themselves in that position," Deukmejian said.

Closer to home, Deukmejian has been unhappy with media coverage of his state budgets. The governor aired his complaints December 5th in a radio address aimed at citing positive aspects of his proposed spending plans: "It wouldn't surprise me if you had a different impression (of budgets) because whenever I veto excessive spending passed by the Legislature, that veto is well reported, but little mention is made of the much greater amount of spending I approved."

Deukmejian also was displeased with media treatment of his administration last fall when Greenpeace demonstrators hung a banner from the Capitol decrying his toxic clean-up program. The protest was well covered by reporters. But meanwhile, that day, his toxics task force heard a generally positive update on the administration's efforts, with few reporters in attendance even though they had been invited.

Deukmejian aired his complaint about this in a November 21st radio address designed to detail his achievements regarding toxics: "I mentioned the task force made its posi-

Steve Geissinger is a Capitol reporter for the Associated Press in Sacramento.

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tive report public. However, you didn't hear about it because the news media didn't think it was newsworthy. What they did think was newsworthy that day was that a few people hung a banner from the top of the state Capitol."

The governor's new outspokenness is reflected in his aides' comments that news coverage of issues such as toxic cleanup, budget vetoes, limits on government spending and school finances has occasionally been incomplete, overly negative or shaped by reporters' personal opinions.

Capitol press corps members largely dismiss the claims — sometimes angrily — and say reporters have been fair to him. (Journalists, for instance, say their stories on the budget stressed the emphasis Deukmejian put on his own vetoes and that the governor, as a self-described fiscal conservative, would have been unhappy if writers had dwelt on his budget increases.)

Reporters say Deukmejian is suspicious of the press, tries to manipulate or control news, is not accessible enough, and often fails to provide answers with substance. But criticisms voiced by the administration and reporters, natural adversaries who know they need each other to do their jobs, are more clouds on the horizon than a storm in the midst.

No one interviewed in the conservative Republican administration or generally liberal press corps described relations between them to be as bad or as turbulent as those of former Democratic Governor Jerry Brown. Deukmejian's top two media advisors say coverage, generally, has been satisfactory. People on both sides say there's a basic respect between the two.

Nevertheless, Deukmejian Press Secretary Kevin Brett and James Robinson, director of public relations and communications, say there are times when news coverage has been flawed. But the aides declined to provide reporters' names or identify particular stories.

"Occasionally, there are reporters who play more than devil's advocate ... who wear their philosophy on their sleeves ...," says Brett.

"It became very apparent to me (in 1987) ... there were several reporters who are very much opposed to Proposition 4 (the Gann government spending limit) ... When the governor called not only for implementing but rebating $1.1 billion (to taxpayers), there were certain reporters in their arguments (who) ... seemed to be very vehement," he says.

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During the conflict between Deukmejian and state schools chief Bill Honig over educational funding last year, "I felt some reporters were almost to the point of advocating his views," Brett says. Adds Deukmejian media adviser Robinson: "There have been a number of instances where we believe the coverage has not been complete," such as in stories on budget vetoes.

"There also is a good-news-is-no-news syndrome in the journalism profession," he says, but concedes, "You don't expect to see headlines saying, 'Everything Being Run Properly in Deukmejian's Office.' Controversy is a factor in making good, interesting news stories ... Plus, I think in some selected cases, personal opinions on the part of some reporters are getting into their stories ....

"We're probably seeing it ... with some of the discussion that has taken place regarding the governor's vision of the future. I've heard it suggested by several reporters that, 'Well, the governor is very good on a day-to-day managerial basis..., but he's not really outlining a vision of where he wants to take the state.' I disagree with that vehemently."

But the administration's Brett and Robinson say they contact reporters only when they believe something is very wrong with a story. "I can probably count on one hand the amount of times that I've either sent a letter or I've called a reporter," Brett says.

The Capitol press corps is made up of the reporters working for about 30 news organizations that have full-time or nearly full-time representatives at the Capitol. In assessing administration comments, reporters say it must be remembered that officials tend to have subjective points of view and that the governor's media aides, both in their early 30s, have not worked for major news organizations. Some reporters said they thought the aides' lack of reporting experience was a hindrance to relations.

Robinson has been a press secretary to a New York congressman, has done research for a public-relations firm and was director of communications for the U.S. Chamber of Commerce.

Brett, who was appointed press secretary in March 1987 after serving in Deukmejian's media-relations operation since 1982, was a political writer for the Glendale *News Press* and the Whittier *Daily News*, and a field deputy for a Los Angeles County supervisor.

Reporters, for the most part, say they do not see personal opinion affecting press corps' actions, and believe the media has been fair to Deukmejian.

Long Beach Press-Telegram correspondent Bob Schmidt says that, for example, "In the long-running Bill Honig fracas, every time Honig would say something, I think people went to the governor to try and get some kind of response, and vice versa."

Says KCRA-TV's Capitol correspondent Steve Swatt: "I get a little upset when I hear comments from any politician who suggests a hostile question indicates a point of view from the reporter. That's not necessarily true. That is our way, in many cases, of eliciting information."

The press corps "certainly has respected his sense of privacy he holds dear. I don't think anybody has violated that," says the *San Francisco Chronicle*'s Rob Gunnison, who is the former Capitol bureau chief for United Press International.

One newsman says he believes biases can and do creep into Capitol press corps stories. According to *Los Angeles Times* Capitol Bureau Chief George Skelton, "The best reporters keep it from creeping in, but unfortunately, not everybody is among the best reporters."

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In assessing the administration's complaints, it's important to look at relations in general between Deukmejian and the media, reporters say. Writers describe a governor starkly different in style and approach from former Governor Jerry Brown, who'd occasionally even have a beer with reporters at downtown night spots.

McClatchy Newspapers' Capitol Bureau Chief William Endicott says, "He (Deukmejian) is sort of stand-off-ish. He doesn't have much of a personal relationship with anybody in the press corps. I think he's very guarded when it comes to the press and to some extent he's either distrustful or suspicious of the press."

The *Times*' Skelton says Deukmejian likes to say a lack of charisma is a major factor in his relations. "The real truth is, he isn't very exciting and frequently doesn't say anything that's very important," Skelton says.

"I think his relations toward the press corps is a cautious one. He's not entirely comfortable with reporters or the media. It's the product of a background as a politician who did not receive a lot of press attention," he says.

The governor lacks subtlety in his dealings with the press and has missed opportunities to use the media, Skelton adds.

"He should have been able to roll over Honig (in the school-funding battle) real fast without letting it drag on and on, if he had known how to react better with the press," says Skelton. "The only way he knows how to do things is with a sledgehammer or not at all."

Reporters generally feel that Deukmejian, since the start of his administration five years ago, has become somewhat more relaxed in dealings with the media, while administration officials say relations have changed little, or improved if anything.

"Probably there was a kind of wariness at the start," says the *Press-Telegram*'s Schmidt, "and now there's more of a kind of unhappy comfortableness because we know pretty much what to expect from him and I don't think he ever disappoints us."

Administration officials who describe relations as generally satisfactory, attribute much to reporters' respect for Deukmejian. "There's a very strong respect for the governor from the press corps ... because they know he has the utmost integrity, that his positions are well reasoned, that he does not change his positions because the political winds are blowing in one way or the other," Brett says.

KCRA's Swatt generally agrees: "Deukmejian is respected and liked by the Capitol press corps. I think subconsciously that may enter into some of the coverage. The press, to me, appeared to be tougher on (former Governor Jerry) Brown than it has on Governor Deukmejian."

Just as the administration has claims of bias that are disputed by reporters, so do reporters have claims of their own, disputed by the administration.

Capitol press corps members, for the most part, do not feel they have adequate access to Deukmejian, but say they realize the situation is typical in relations between almost any press corps and high-ranking politician. *The Press-Telegram*'s Schmidt says, "I think it's a major mistake .... I think a governor learns as much from reporters' questions as reporters learn from a governor's answers .... Reagan used to have them (news conferences) every single week, and there was always news made at them."

Adds *The Times*' Skelton, "Reagan, at his worst accessibility, is more accessible than Deukmejian."

Deukmejian Press Secretary Brett responds that "accessibility will always be an issue with the media."

"It's also an issue that's in the eyes of the beholder. This year (1987), we have held 11 general news conferences ... so we're averaging about one a month," says Brett, adding that Deukmejian also has been available after major speeches and has conducted several "five-in-ones," where five reporters interview the governor together.

Brett says the "five-in-ones" are more efficient than the more rare "one-on-ones."

In selecting reporters for interviews, he says, "We look at those who cover us most closely, ... at the varying geographic areas of the state ... at the influence of the publications ... We want to ensure that everyone who has been covering us closely, and who has expressed an interest, has an opportunity" to talk with the governor.

However, reporters generally agree that correspondents working for smaller news organizations face an uphill battle in gaining interviews.

When Deukmejian is questioned by the media, the substance of his answers is sometimes lacking, according to reporters, who concede that the complaint is applied to many top-ranking politicians.

One newsman, McClatchy's Endicott, says the governor is a "world champion" at providing answers that aren't really answers.

Press Secretary Brett says that occasionally "reporters are asking Governor Deukmejian to comment on an issue in which he has not seen all the background he wants to see ... and he's not, at that time, ready to take a position on that issue."

Some reporters say the governor manipulates the news by making major announcements in a Saturday radio address or late in the day, when it's hard to obtain reactions from others. Some add that Deukmejian often controls the media by deciding what he will talk about, and therefore, what is news.

The Press-Telegram's Schmidt says, "I think we're very much controlled by him in the sense he decides what is news, as far as the governor's office is concerned, and lets us know about it when he wants. And ... we don't get a chance often enough to have him respond to our idea of what is news that particular day."

Another example of manipulation is the annual State-of-the-State address, according to reporters. KCRA's Swatt says Deukmejian's predecessors delivered the speeches at various times, but the governor switched it to 5 p.m. so it could be carried live by TV stations, many of which are starting news at that time, and by radio, which is in its rush-hour prime time then.

However, journalists say they expect politicians to manipulate the news and called it a challenge that must be faced by the press corps.

Administration officials say flatly that they do not believe Deukmejian manipulates or controls the news. The governor has a right to speak directly with Californians in his Saturday radio address and to maximize coverage of events with timing, they add.

Despite analysis of the shortcomings Deukmejian sees in the Capitol press corps and the flaws reporters see in the governor, news coverage of the state's chief executive remains something of a mystery to some of California's other top politicians.

Assembly Speaker Willie Brown, a liberal San Francisco Democrat considered the state's second most powerful politician, says he's envious of the governor's "generally good press" relations.

"How you achieve that I have no idea," he says. "If I did, I tell you what, I'd use it."

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CALIFORNIA'S LEGISLATURE

by James Driscoll

Former Chief Clerk
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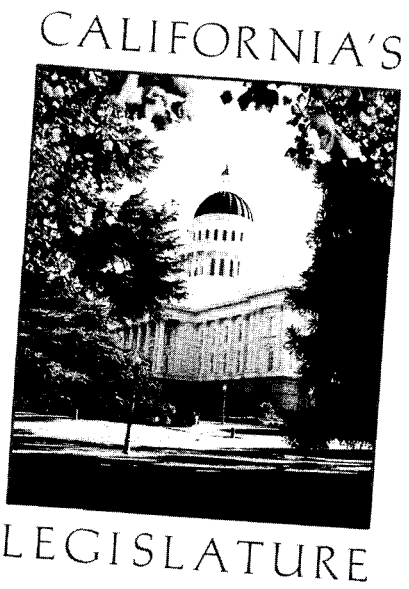

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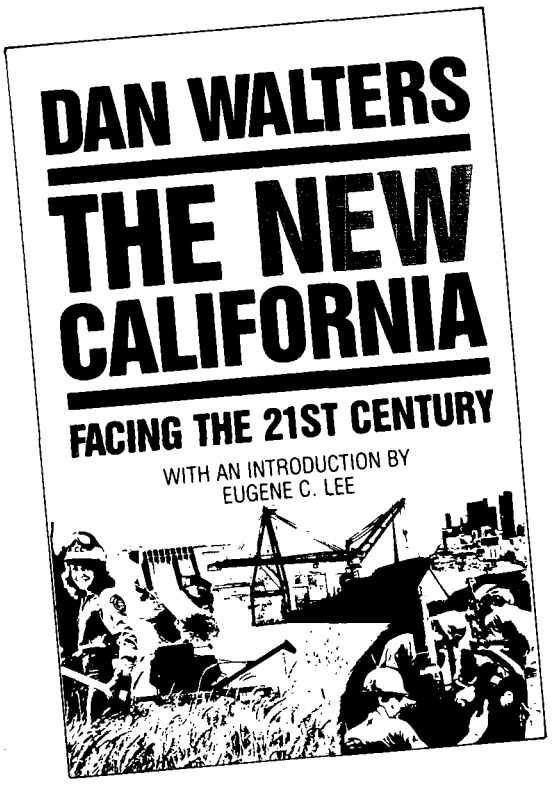

The New California — Facing the 21st Century

by Dan Walters

with an introduction
by Eugene C. Lee

The *Sacramento Bee's* well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee.* The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series will be available in book form June 15th. The 180-page book contains numerous charts with detailed political and demographic data. Price: $8.95.

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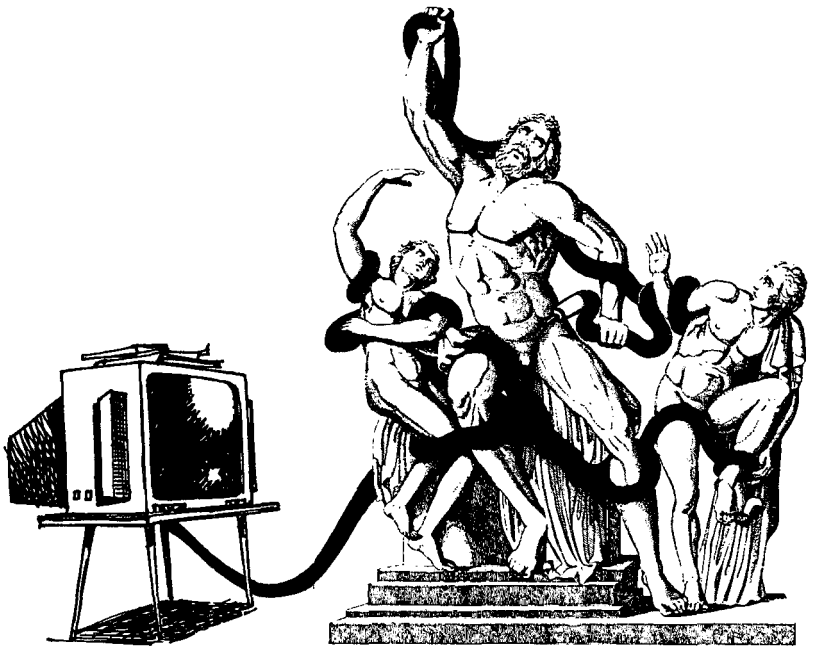

THE CABLE TV TANGLE

A new industry learns the legislative ropes

By Daniel Carson

It took San Diego County eight years to work its way up the judicial ladder to the California Supreme Court and back down again. But in late 1987 county tax officials thought they had finally prevailed over the biggest cable television operator in the country — Cox Cable San Diego. At long last, the county assessor had established the legal right to levy a form of property tax (known as a "possessory interest tax") on the rights-of-way Cox and other cable companies obtained from the government through franchises.

The initial financial gain was a pittance by county standards — some $30,000 in back taxes. But sugar plums danced in the heads of county assessors across the state at the prospect of collecting millions for local-government programs as the new tax assessments were applied to highly lucrative cable ventures.

The joy of that hard-won victory faded less than three months later. In February 1988 the California Cable Television Association, the dominant industry group, got a bill introduced in the state Assembly (AB 1802, sponsored by Republican Frank Hill of Whittier) to allow many cable operators to totally offset the new taxes by cutting franchise fees owed to the very same cities and counties that would tax them; in other words — out one pocket, into the other.

Suddenly, there is a new battle. And nobody seems able to fight better in the courtrooms, city halls and California's State Capitol than does the cable TV industry.

One disgruntled (and openly envious) electrical company lobbyist griped privately about cable's favored status. He noted that the state Public Utilities Commission determines what a telephone or energy utility may charge its customers, what property it may hold, what dividends it may pay its shareholders, and what investments it may make. Yet, he complained, cable is virtually free of all such regulatory entanglements, even though operators in most communities enjoy what amounts to a monopoly.

Cable television has come a long way since 1948 when Pennsylvania appliance salesman John Watson first strung wire to his customers' television sets to enable them to capture reception from a mountain-top antenna. Sometime this year, more than half of all homes in the United States will receive programming from the far-flung cable network instead of from over-the-air broadcasters. A decade ago only 19 percent of those homes were tuned in to cable. The number of subscribers has zoomed in that period from 14 million to 45 million, and with it revenue from subscribers and advertisers. Nationwide ad sales alone now top $1 billion annually.

Profits are so lush they have sparked a merger and takeover frenzy in the industry. A cable system in suburban Sacramento sold last year for $2500 per subscriber, while one in San Diego fetched more than $3900 per subscriber. By one estimate, five companies now supply cable service for 46 percent of the market. In one year alone — 1986 — $9 billion worth of cable properties changed hands. According to one industry analyst, some cable operators are accustomed to profit margins "substantially above 46 percent."

After surviving the stock market scare last fall, cable stocks were rated in January 1988 as one of the top five performing industries. Generating tons of cash, cable operators now are spreading into the rest of the entertainment industry

Continued on next page

Daniel C. Carson is Capitol bureau chief for the San Diego Union.

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to control the production of programs offered on their networks. James Gebbert, a San Francisco broadcasting executive, put it this way: "Viacom owns MTV. Viacom owns VH-One. Viacom owns Showtime. Viacom owns the cable system. You do not have a marketplace, because you don't have competition."

California, one of the most "wired" states in the nation partly because of its signal-blocking canyon and mountain terrain and continued new housing development, has not lost out on the cable gold rush. As of 1987 an estimated 3.5 million subscribers generated $1 billion a year in gross revenue for the industry. Eight of the nation's 100 biggest systems are situated here.

But critics complain that taxpayers and consumers are not sharing the bounty. For example, regardless of how much a company profits from using publicly-owned rights-of-way to string its lines, federal law restricts local franchise fees to 5 percent of gross revenues. At the same time, there is little regulation to prevent dramatic increases in subscriber rates. A study by the National Cable Television Association showed rates for basic cable rose 10.6 percent in the first six months of 1987. Some subscribers have been hit by up to 100 percent increases in recent years, while most ranged between 20 percent to 40 percent, a recent state legislative report said.

Community activists in some poorer areas assert they have been "red-lined," or passed over for new cable systems in favor of upscale suburban viewers. In addition, the quality of service was called into question by Consumers Union, which last year compared cable companies in suburban Virginia, New York City and San Diego. While San Diego subscribers rarely suffered a total blackout, according to the survey by the consumer-rights group, more than a third said that reception quality is spotty, while more than a quarter had trouble with incorrect billings.

The quality of cable programming also is under fire. Instead of specialized and sophisticated alternatives to television for the masses, lamented an essay in *Business Week*, "viewers are more likely to see wrestling matches, tractor pulls, talk shows, and ancient reruns."

The commitment of some cable operators to set aside some channels for local educational and public-affairs programming has ebbed, according to Sue Miller Buske, a local public TV programming advocate. Independent broadcasters likewise complain that cable networks discourage competition by refusing to carry their programming or by constantly changing their channel assignments.

Those who match wits with California's cable industry — broadcasters, cities and counties who grant the franchises, and public-affairs programmers — are both in fear and in awe of its well-oiled lobbying and litigating machinery.

One reason the organization is so well-liked in the Capitol is its generosity. Apparently without regard to political party or philosophy, every single one of the current 120 members of the Legislature has received campaign donations from the California Cable Television Association since January 1985, the start of the last election cycle. The industry pumped slightly more than $400,000 into the campaign treasuries of state officeholders during that period, including: $37,350 to Assembly Speaker Willie Brown; $15,500 to Senate President pro Tempore David Roberti; and $7500 to Governor George Deukmejian. To put things in perspective, California cablecasters last year gave politicians twice as much money as did their Washington, D.C., counterpart — the National Cable Television Association.

Within the past year, California operators reported spending $52,000 in fees for the association's full-time lobbyist, former Orange County Assemblyman Dennis Mangers, and another $52,437 for other lobbying activities. Tickets to the opera and Disneyland, flowers and glass vases, an abundance of food and booze, and honoraria by the dozen were doled out to members of both houses and key staff, often in conjunction with cable association events. Mangers said it is "really hard to tell" whether the money given lawmakers has influenced them in the industry's favor.

"We, no more than anyone else, like the way campaign contributions have escalated. We do understand the system. One is not allowed to be naive. You're expected to show you're sophisticated enough about how the system works to at least have a presence in campaign contributions," Mangers said. "We make campaign contributions to all members of the Legislature since all of them have a vote."

Mangers credits cable's warm reception in Capitol halls to big improvements in the level of customer service. Last year, only 116 of the 56,000 citizen complaints received by the state Department of Consumer Affairs related to cable TV, the lobbyist said.

Another factor at work, he acknowledges, is an extensive, continuing grassroots network organized to make lawmakers "sensitive" to the needs and concerns of local franchise operators. Said Mangers: "It's a participatory democracy, and you need to participate."

When lawmakers considered putting cable under PUC regulation in 1982, the industry sent local operators a letter urging them to "please begin making appointments now to see your legislator on a Friday when he/she is in the district office. Each of them sees a string of people on these days. One of these people should always be a cable person."

Another bit of advice: "It is an election year. Get to know

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the key candidates. Identify the local winners. Do your part in making sure that you are on their team. Putting a sign up in front of your house, attending some functions, writing a check, volunteering to pass out some literature — these are some things that leave elected officials forever grateful and willing to communicate." The association followed up that year by producing and financing a series of cablecasts featuring, of all people, state lawmakers.

All of this was entirely legal. The taint of criminality did enter, however, with the federal indictment and conviction of former Assemblyman Bruce Young on mail fraud charges relating to his failure to disclose consulting fees from two cable companies. Young was a leading author of cable industry-sponsored legislation during his tenure in office.

All this activity has allowed the industry to overcome crushing regulatory restrictions that appeared ready to strangle the enterprise in its infancy. In 1968 broadcasters and theater owners, determined to head off competition from cable, persuaded the Federal Communications Commission (FCC) to assert jurisdiction over their new rival and impose a ban on cable franchising. Those restrictions were lifted in 1972, however, as publishers and broadcasters themselves began to buy into cable and the industry gained clout. The industry has been on a roll ever since.

In 1979 California lawmakers struck down the power of local governments to regulate customer rates in trade for a commitment by cable operators to set aside channels for public access. In 1982 the association helped block a measure to put cable service under the thumb of the PUC and impose tighter service and programming requirements on operators. A rival bill backed by the Cable Television Association was adopted, extending rate deregulation until 1991.

Nationally, Congress mandated the deregulation of cable rates in a 1984 bill that was hailed at the time as a "balance of interests" between cablecasters and local governments that issue franchises. The industry benefited from provisions in the Cable Act wiping out all rate restrictions starting last year, capping franchise fees at 5 percent of their gross income and making the renewal of successful franchises almost automatic. Localities gained language in the bill explicitly recognizing their right to grant or deny franchises, set consumer protection standards and require the dedication of some channels to public, educational or governmental use.

Since then, however, cable operators wishing to do business in California have brought a series of successful federal lawsuits striking down the authority local governments thought they had gained. In 1986 the U.S. Supreme Court, ruling in a Los Angeles case, established the concept that operators of cable television systems enjoy some protection under the First Amendment against government regulation of their freedom of expression. More recently, federal district courts invoked the First Amendment in striking down the right of the cities of Palo Alto and Santa Cruz to grant exclusive franchises to only one cable operator. Other regulatory requirements imposed by the cities to ensure quality service and deter red-lining of neighborhoods were also overturned.

The federal Supreme Court has yet to clarify just how far the First Amendment shield should be extended in cable's favor. That has created a climate of uncertainty for city officials worried about incurring liability by cracking down on cable operations.

Late last year, Democratic Congressman Douglas Bosco of Occidental urged his House colleagues to reconsider the cable act because it had failed consumers. "We have incited a powerful industry with a powerful lobby, and the result is not better service, but lawsuits, corporate merger-mania, and a battery of complaints from independent and public television stations, local and city officials and most importantly, consumers," he wrote.

And critics spoke up in Spring congressional hearings called to assess the impact of the 1984 federal cable act. Ohio Senator Howard Metzenbaum, a Democrat, complained that half of his state's stations jacked up their rates by 50 percent or more.

Terry Soley, vice president of American Cable Systems of California, challenged that assessment in testimony before a special hearing on cable issues conducted in December by the Assembly Committee on Utilities and Commerce. Soley termed it a "myth" to say that cable has been deregulated. Only rates are now freed from government decision-making, he said.

"We are not whining about it, but we want to remind everyone that we still have FCC requirements, SEC requirements, cable act requirements. The state of California still has at least a dozen (enacted) bills that affect our lives, and we have local regulation," Soley argued. "We think we should let the marketplace let the local operator-municipal official relationship work for a while."

Cable's critics are beginning to make the case for far-reaching proposals to force the breakup of operator-producer cartels, reinforce industry and do away with a 10-year-old FCC ban preventing telephone companies from getting into the cable TV business themselves by using space-age fiber-optic cable to carry program signals.

But cable's lobbyists and litigators are well-prepared to do battle to defend their ever-more-valuable turf from interlopers. As public television executive Baryn Futa told one cable industry magazine, "They are in control of what video product gets into the home. That's incredible power."

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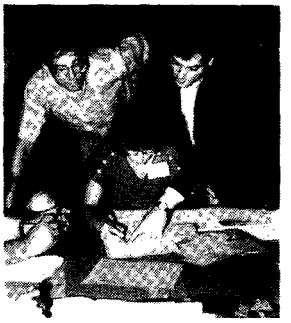

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ROSTRUM

Democrats

Your article, "A change in the wind" (see *CJ*, April 1988), could not be more wrong. The Democratic Party continues to show growing strength in California. We control the state Senate, Assembly, the Congressional delegation and are well-positioned to capture new seats in 1988 and 1990.

Since voter registration and party identification are largely driven by the top of the national ticket, it is no surprise that Republican registration has increased in Ronald Reagan's home state. Yet even after eight years of a popular Californian in the White House, Republican registration still trails Democratic registration by thirteen points (51 percent to 38 percent).

The trends point toward increased political dominance by the Democratic Party. First, to win either the governor's race or a U.S. Senate seat, it is critical to control the constitutional offices. Democrats occupy four of these five seats. Second, Leo McCarthy is gaining ground on Pete Wilson and appears to have the momentum to win. Third, Democrats have *at least* four strong candidates with the statewide support necessary to win the governorship in 1990 (John Van de Kamp, Gray Davis, Dianne Feinstein and Bill Honig). Fourth, Democrats continue to have strong pull with young and middle-income voters because of our commitment to public education and child care. Fifth, and perhaps most important, the Democratic Party is better positioned to benefit from two major demographic trends in the state: an increasing minority population (especially Asians and Hispanics) and an increasing percentage of senior citizens.

STEVE WESTLY
Vice Chairman
California Democratic Party

Proposition 13

Words used in your article on Proposition 13 (see *CJ*, April 1988) can be very misleading. For example, the statement about Proposition 13 "siphoning billions of dollars out of the coffers that pay for public health, safety and education ..." does not take the socially beneficial nature of the market economy into account. Proposition 13 did *not* "siphon" money out of "the public coffers" nor did it necessarily decrease the amount of money used to support public health, safety, and education. What it did do was decrease the amount of money that was being forcibly siphoned out of the pockets of the public, cut out some political and bureaucratic middlemen (thus giving consumers the right to make decisions and choices with their own money), and decrease the amount of money collected coercively to fund certain services.

When discussing what is in the public interest in education, we must ask: Which schools serve the public better by not needing to use compulsion in order to support the educational services that they provide? Which schools serve the public better by providing children with a higher quality of education? Which schools serve the public better by providing the best value for the money that is spent?

Voluntarily-supported schools compare quite favorably in this type of evaluation. They are superior to tax-funded schools on a cost basis and on a results basis, and they don't use coercive methods to fund themselves. Hence, if property taxes are decreased, this does not necessarily mean that less money will be spent on public education.

These principles concerning education also apply to safety and health services (or any other public services such as transportation, energy, and water). In any discussion of social services it is important to keep in mind that "tax-funded service" and "public service" are not necessarily the same thing.

TODD GREENE
Libertarian Candidate for
State Assembly, 23rd District

Rusty Areias

Concerning your article on Rusty Areias (see "The decline and fall of Speaker Willie Brown Jr.?" *CJ*, April 1988), I grew up in the same modest woodframe farmhouse with my brother, Assemblyman Rusty Areias. The wind blew blazing hot through our old home in the hot San Joaquin Valley summers and freezing cold through the long wet winters. Six of us shared a single bathroom, always short on hot water. I remember our excitement at our first telephone and television. Once a week, the whole family piled into our dusty '50s-vintage Chevy station wagon and drove the eight miles to Los Banos to attend church services. It was very rural and very rugged. As a pre-schooler, Rusty started working on the dairy farm alongside my father. He has worked ever since and has earned the success that he enjoys as a dairy farmer and as an assemblyman.

LUCIA AREIAS
Santa Cruz

Trash

Your article on trash disposal accurately pinpointed the vast problems (see "The Trashing of California," *CJ*, March 1988) and the alternatives to the standard landfill. Waste-to-energy proposals have significant support, although there are serious questions of the environmental complications, namely impossible air pollution and toxic residuals.

Although this article was quite informative, it did not mention the great strides that Marin County has made in the area of recycling and resource recovery. In 1981 Marin started the nation's first countywide curbside recycling program, including paper, glass and cans. This program diverts 22 percent of the waste chain into productive resource recovery. Considering that Marin County is a small county, with less than a quarter of a million people, its recovery and recycling of 43,000,000 pounds last year is astounding.

BILL FILANTE, M.D.
Assemblyman, 9th District

You may find this as hard to believe as we did, but not everyone agrees with articles published in California Journal. *The* Journal, *therefore, encourages letters from its readers that respond to or add to its features and stories. The editors, of course, reserve the right to edit for space. Please address your slings and arrows to "Rostrum," 1714 Capitol Avenue, Sacramento, CA 95814.*

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BALANCING ACT OR QUOTA SYSTEM?

Asians question UC admissions policy

By Elizabeth Aoki

Tangled in its own admissions policy and swamped by a surge of qualified applicants it can barely accommodate, the University of California is being accused of discrimination by Asian applicants who, despite high grades, can't get into the campus of their choice.

A phenomenal increase in the number of students who wanted to attend the university during the past five years has made the selection of students to fill the limited number of spaces more difficult each year. For those who applied in November 1987, meeting minimum UC eligibility requirements — being among the top 12.5 percent of graduating seniors — was not enough to ensure acceptance at any campus except Riverside. The most popular campuses, Berkeley and Los Angeles, have been turning away excellent students in droves, with Berkeley denying admission for the fall 1987 semester to 2150 Asian and Caucasian students who had high school grade-point averages of 4.0 or better.

Critics from the Asian community feel that too many of their highly-qualified applicants are denied entrance, perhaps because university officials are worried that White alumni will be upset if the campuses become "too Asian." Irving Lai, national president of the Chinese American Citizens' Alliance, has gone so far as to speak of an "unofficial quota system" and an "unwritten law exercised by the admissions offices" that keep Asian numbers down in universities nationwide.

"The overall environment, the overall mind-thinking of those who set policy for the university — the chancellor, President [David] Gardner — their concerns are the University of California having a large number of contributions," said Bong Hwan Kim, executive

Betsy Aoki, a student at UC Berkeley, was a 1987 California Journal *summer intern.*

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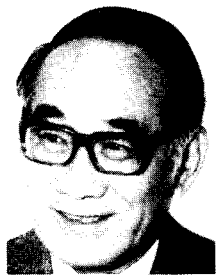
director of the Korean Community Center of East Bay and member of the community-based Asian-American Task Force on University Admissions that has been monitoring Berkeley's admissions policies since 1984. "A lot of fund raising is done in the White community, and it doesn't look good for UC Berkeley or other campuses to become predominantly Asian."

The dispute has called into question the university's admissions policy and has raised a fundamental question: Who should be entitled to attend the state's premier educational institution?

One logical answer — the very brightest students — was rejected long ago. For a variety of reasons, the university seeks a "balanced" student body, with special efforts to recruit students from some minority groups and athletes who have only minimal academic credentials. As UC President Gardner has stated, no campus of the university should be composed of only "straight A" students. Freshmen classes should have a more heterogeneous mix because it makes for a better college experience, he argues.

To achieve that mix, the university admits students in a two-step process. Roughly half are taken because they have the best grades and test scores. For the rest, grades count, but so do extracurricular activities, affirmative-action goals and other special considerations including an essay with each application explaining why the student wants to attend UC.

Gardner



Wada

For the most part, the Asian community does not question admissions based on academics alone because its students are very competitive. It is the more subjective evaluation of students in the second group that makes them uneasy.

"Our priority is to select the best and brightest and, within that, select a diversity of students," said Ed Apodaca, director of admissions and outreach for the entire UC system. According to Apodaca, the problem is defining "best and brightest." For example, Apodaca noted, the Math Department may consider "best and brightest" to include math only and disregard a poor showing in, say, social science. In addition, he said, students have their own priorities, preferring classmates who are "enjoyable" and have more to them than mere academics. Finally, he stresses, there is a problem of space; the universities with the most prestige cannot accommodate all the top-notch students. This in turn creates public-relations problems.

"There's no logical excuse to turn down highly-qualified students. We can say it's a matter of space, but to the parent it's unacceptable," Apodaca said.

Each UC campus has great leeway in setting admission policies. The Master Plan for Higher Education, a guiding thesis for the UC system since 1960, was written before affirmative action became an essential part of the admissions policy and before the application explosion that began in the early '80s pressured the more popular campuses to tighten their selection process. According to Apodaca, the current overall system goal is to ensure that those students who are UC-eligible continue to find places within the UC system. A new system-wide policy, intended to provide some unity and extra guidance, has been under development since July 1987.

But the university's policies have created unusual problems for the Asian community whose youngsters are eligible to attend the university in much greater proportions than their numbers in the general population. Concern in the Asian community has forced the university to make a more thorough examination of its current admissions policies, particularly at Berkeley and UCLA. The Bay Area-based Asian American Task Force on University Admissions, brought together by what Asians saw as a "very significant drop" in Asian enrollment at UC Berkeley over the period 1980-83, found a 20.9 percent drop in Asian enrollment between 1983-84, compared to a 11.5 percent drop in Caucasian enrollment. While enrollment is not a direct indicator of admissions policies, the drop raised some questions about the fairness of the process.

Berkeley tried to address these questions in a January 1987 study. It concluded that its admissions policy was fair, as its figures showed Asians and Caucasians doing equally well in the admissions process.

The Asian community, however, was not satisfied. It complained that the study unfairly mixed two categories. Most Asians and Anglos are "unprotected" when they apply for admission to the university; they have no special

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status to help them get in. But because of affirmative-action goals, some students — Blacks, Hispanics and others — are in "protected" categories that allow every eligible student from these groups to be admitted. In its 1987 study the university grouped unprotected Asians together with Filipinos despite the fact that, as members of an underrepresented minority group, Filipinos were guaranteed admission through 1986. Eliminate them from the comparison, and the admission rate for unprotected Asians drops.

In order to end the war of statistics, the Asian community persuaded Democratic state Senator David Roberti to request a legislative audit be done of the Berkeley campus. The Auditor General's report, released in early October 1987, only added more fuel to the fire.

The audit found no difference in the admissions rates of Asians and Whites admitted on the basis of academics alone, and upheld the fairness of the entrance essay as a method for selecting students. This prompted Berkeley Chancellor Ira Heyman to say that he remained "firmly convinced" that Berkeley's methods were sound and that there was no pattern of unfairness in campus admissions.

However, a sore spot developed between Asians and the university over a potential minimum Scholastic Aptitude Test (SAT) verbal score requirement described in a 1984 memo from the director of admissions to the admissions staff. Asians felt any such minimum put Asian immigrants at a disadvantage. In addition, there were complaints that no Asian-Americans were involved in the decision to go with a minimum.

The Task Force had UC Regent Yori Wada investigate the matter, and although Chancellor Heyman initially denied it had been used, he eventually revealed to the Task Force that the minimum had been established for a very brief time but then abandoned. According to Bud Travers, Berkeley's assistant vice chancellor for undergraduate affairs, "No one was denied admission because of the memo."

Denial or no denial, Asians were upset with the relative secrecy surrounding the intended change. "Our big point is that the university has an obligation to disclose and inform prospective applicants of what is needed to get into the university," said Henry Der, director of Chinese for Affirmative Action.

Berkeley has softened its stance considerably since the release of the audit last year. Chancellor Heyman, intending to demonstrate his sensitivity to Asian issues and the admission process, created two committees to deal with the two issues respectively. Heyman's memo to the committee on Asian affairs expressed concern that there be no "unconscious bias" in the process. He also apologized to the Task Force.

"I wish I had been more sensitive to the underlying concerns at issue," Heyman told a legislative subcommittee hearing last year. "While they didn't manifest themselves as neatly as I now see them, Berkeley could've reacted more openly and less defensively than we did. We've caused anxieties that could have been alleviated."

UCLA, similar to Berkeley in its popularity with students and proximity to a large Asian community, also has had accountability and public-relations problems. For many concerned Asians, the difficulty has been trying to find out what the admissions policy actually is.

"I have received a lot of contradictory information," said Paul Ong, associate director of UCLA's Asian American Studies Center.

According to Director of Admissions Rae Lee Siporin, academic preparation is the main focus of the admissions process at UCLA. Unlike Berkeley, where test scores and grades are combined by a formula, UCLA does not combine the grades or test scores when it evaluates a student, although it does try to evaluate how those grades were achieved. "We want to go the extra measure, to find out if a student got that 4.0 by taking easier courses," Sirporin said.

According to Siporin, UCLA considers applicants in the context of their high schools. "We take the best from each school," Siporin said. "We can see who is doing the toughest, hardest work at a given school ... in a really strong high school, we may end up taking 25, 30 students. We have a listing of students from each school. The reviewer sits down with the total school listing and weighs the whole school."

Extracurricular activities are not given any weight at UCLA — unlike Berkeley where points may be awarded in the essay portion for extracurricular activities and leadership. According to Siporin, more than 90 percent of the class is chosen strictly on academics.

"When you have a formula, the computer spits it out. Our process has human beings looking at a student profile," Siporin said, adding that the reviewer considers the ideal scores and grades and measures a student against

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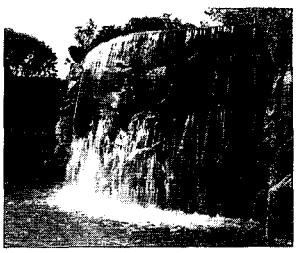

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the best possible results. She could not be more specific about what would get the ultimate weight in close cases except to repeat, "We try to do it from a human perspective."

"As opposed to Berkeley forming a sort of admissions formula, UCLA tends to look a little more strongly at the academic issues. There is the appearance of a more objective process, but within that there's a great deal of subjectivity," said UCLA professor of Education Don Nakanishi.

The vagueness in this explanation disturbs Asians. In a March 1987 letter to the *Los Angeles Times*, UCLA professor Lucy Cheng complained: "We are not told what these people are looking for; we only know they will read an applicant's essay and background to find clues as to the future success of that individual. It is simply not permissible for the university to distribute a scarce public good without some clearly defined criteria for deciding who will enjoy the benefit and who will be denied it. This concern is the central issue in the current debate: Who will read the files, who will look for clues; in other words, who will make the judgment to admit an applicant?"

According to Nakanishi, there "used to be one (Asian reviewer) ... There may be two now, out of the 40-50 readers for the applications." When asked about how many Asians were involved in the selection process, director Siporin admitted she didn't know, adding, "I know there are some."

But, how many? Currently, no Asians sit on the UCLA Academic Senate Committee on Admissions and Enrollment. Thus, if Asians are involved in the admissions process, they likely would be on or working with Siporin's staff. But it is difficult to find out the number because Siporin's staff has been firmly instructed to refer all Asian admissions questions directly to her.

Like Berkeley, a memo circulating at UCLA caused some hard feelings between Asians and the campus. At about the same time Berkeley was dealing with its verbal-score memo, UCLA's Siporin sent a memo to the Undergraduate Enrollment Planning Committee, saying, "The campus will endeavor to curb the decline of Caucasian students." She also questioned whether the university should "favor some international students over others to balance out what is already a large number of recent immigrants from Hispanic and Asian countries?"

Dr. Tom Lifka, assistant vice chancellor at UCLA and a superior of Siporin, has said Siporin's memo in no way represents university or UCLA policy. And in fact, according to Nakanishi, Asian admission rates at UCLA have improved. "For the last two years the admit rates for Asians in all three undergraduate colleges — Engineering, Letters and Science, and Fine Arts — Asians have had rates slightly higher or equal to Whites," he said.

If Siporin's memo did anything, said Nakanishi, it pointed up the difference between UCLA and Berkeley's handling of the admissions issue. "There were times in which the administration here — far more overtly than Berkeley — talked about the need to curb the decline of the White student population, talked about Asians as overrepresented, and talked about cutting Asian admission," Nakanishi said. "A lot of things at Berkeley just went on in secret, not providing a whole lot of controversy like the administration here did."

The other UC campuses are in different stages of dealing with the increasing numbers of applications. Most of the admissions directors at the other UC campuses have attributed Berkeley's and UCLA's Asian admissions controversy to the desirability of the schools, and explain their own lack of controversy to their relative lack of popularity.

UC Davis, a school that according to its admissions director "stands on its own" as a university with a strong cur-

UC Irvine — an Asian haven?

"People look to this campus to see the epitome of a trend," said James Dunning, director of admissions at UC Irvine. That is because the percentage of Asians in Irvine's student body has been steadily increasing; last semester, one-third of Irvine's student body was Asian. According to Dunning, the 1987 Fall freshman class was over 39 percent Asian, and next year he expects "over 40 percent Asian."

"If Whites realized how badly they were under-represented here, then we'd have a problem," Dunning said.

Irvine, however, has not experienced the kind of public-relations problems with the White community that Berkeley has had with the Asian community.

"Berkeley is in this pressure cooker environment where many little things tend to be exaggerated, like how good a student can be and still not get in," said Dunning. "But here the pressure is not that high. We're not turning 4.0 students away ..."

Irvine has not been entirely without controversy. According to Dunning, approximately 20 to 25 percent of the entering class is not American-born, and many of these students are Asian. About five years ago, Dunning said, there were complaints that "the university was acting as an extension of the welfare system" by admitting so many Asian immigrants. Now, "there are sometimes innuendos from the public, occasionally hate mail or hate phone calls, but that's less than I would expect. Nothing organized, no identifiable interests," he said.

The competition for spaces (hence, public fuss) is lessened by the fact that Irvine has not been able to attract enough UC-eligible under-represented minority students to fill its affirmative-action goals. Students from these groups who fulfill UC requirements are automatically admitted and, as a result, choose the more well-known campuses at Berkeley and UCLA. Dunning said he expected Irvine's numbers to rise now that UCLA been able to fulfill its affirmative-action goals.

"The potential for the long term is that a certain amount of fear of (Asians') academic diligence, rightly or wrongly, will scare some students — I think it will be Asian students — away," Dunning said. He based this prediction on a recent trip to Japan, where he found many Japanese students curious about the numbers of Japanese at each American university. The higher the number of Japanese, the less other Japanese wanted to go.

Irvine officials are cautiously looking ahead. "We're trying to decide the best direction in which to go and try to anticipate what potential problems will arrive without having any now to judge from," Dunning said.

— *Betsy Aoki*

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riculum, has pricked up its ears. "We are particularly sensitive to the issue that has arisen at Berkeley," said Gary Tudor, director of admissions at UC Davis. Although Tudor estimates that 80 percent of the students who apply to Davis get in, Davis, like all UC campuses, is seeing a large upward trend in applications.

UC Santa Cruz is only just beginning to feel the pressures of selectivity. Last year, according to Associate Director of Admissions Jay Walker, all UC-eligible students were accepted; now Santa Cruz is busy working out a program that includes a scoring system for the essay and determining what percentage of the class will be admitted solely on academic criteria. "We're trying to design a system where they [Asians] won't complain," Walker said. "What we learned over the last decade [of non-selectivity] was how important it is to be straightforward with the community."

UC Santa Barbara suffered a large drop in Asian enrollment in 1985-86, but the problem was traced to admissions miscalculations by UCLA and Berkeley. According to Bill Villa, director of admissions at UC Santa Barbara, those two campuses had a shortage of students for their entering classes, and Santa Barbara ended up sending some of its admitted students back to Berkeley and UCLA. "We're not the number-one choice of Asian students," he said.

UC Riverside's position is enviable, according to R. Fred Zuker, Riverside's associate vice chancellor for enrollment management. "We can offer admission to all students who are UC-eligible."

But even Zuker is looking toward the future with concern. For the first time ever at Riverside, a major has closed; Biomedical Science stopped accepting late applications on November 30, 1987. The competition for Biomedical Science, Zuker said, may mean a stiffer selection system will have to be devised for 1988, and he expects Business Administration to become competitive within the next two years.

The admissions directors all agreed that it would get tougher as time went on. The more and more populated the state gets, said UCLA's Siporin, the "more we'll be turning down students. The more we turn down, the more vocal they are. There's no way around that."

One source of future pressure is political. State Senator Roberti, after requesting the audit, has continued to keep tabs on the situation. According to Maeley Tom, one of Roberti's two liaisons with the Asian community, the senator will soon be selecting members for a Senate select committee on Asian admissions.

The Legislature has also been watching the UC system closely. ACR 70, a resolution championed by Speaker Willie Brown that passed last September, calls for information to be put into the catalogues and application packets concerning the exact admissions policies of the university, that an advisory committee of community members be created for each campus, and for multi-ethnic representation on the academic senate committees that deal with admissions. According to William Frazer, UC's senior vice president for academic affairs, none of these requirements had been fulfilled as of January 1988, but the university was working on all of them.

Asians will continue to pressure the university. "We will wait and see how far they go through administrative consideration (of the problem)," Irving Lai said. "We would like to work with them and reason with them and have them correct it internally." Though a lawsuit is a possibliity, Lai considers it a last resort. For now, he said, they would be working to "educate the educators."

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New in circulation:

INSURANCE, ACCIDENT CLAIMS, MOTOR VEHICLES — an initiative constitutional amendment and statute sponsored by Joseph Bell of Los Angeles, that would amend the state Constitution to include a right of fair process from the Insurance Commission, to declare insurance rates and guides are only for the people's protection. It would abolish present insurance rates, raise liability limits for vehicle owners and repeal uninsured motorist coverage requirements. (September 26th)

HOMESTEAD AGAINST NEGLIGENCE LIABILITY — an initiative statute, sponsored by David Kaye of Long Beach, that provides that the owner of one or two homes and a resident of one, shall be "homesteaded" against liability of $200,000 for any number of claims, excluding pain and suffering claims. By successfully prosecuting a case within 160 days of occurrence, a "government body" could give a claimant the right to sue for negligence, thus "circumventing the homestead of negligence." (September 26th)

SCHOOLS AND CHILD CARE CENTERS, LIABILITY EXCLUSION — an initiative statute, sponsored by David Kaye of Long Beach, that excludes all public schools and child-care centers, and certain other schools and centers indicated annually by the governor, from all negligence liability suits. (September 26th)

DRIVER VEHICLE INSURANCE, TAXES AND FEES — an initiative statute, also sponsored by David Kaye of Long Beach, that proposes to insure all drivers against accident liability for $20,000 from a tax on fuel, oil and tires. It would cover vehicles with commercial plates for $20,000 and require a minimum of $100,000 in additional, private insurance. (September 26th)

Continuing in circulation:

JUDICIAL ORGANIZATION — an initiative constitutional amendment, sponsored by James Schwander of People for Legal Justice. (May 16th; February 1988 *CJ*)

HOUSING ASSISTANCE BONDS — an initiative statute, sponsored by Marcus Brown Jr. of the California Coalition for Rural Housing. (May 16th; February 1988 *CJ*)

AIDS REPORTING — an initiative statute, sponsored by Republican Congressman William Dannemeyer of Fullerton and Dr. Lawrence McNamee of the California Physicians for a Logical AIDS Response. (May 16th; February 1988 *CJ*)

ALCOHOLIC BEVERAGES; 'TIED HOUSE' LAWS — an initiative statute, sponsored by Jeremiah Hallisey of San Francisco. (May 16th; February 1988 *CJ*)

ALCOHOLIC BEVERAGE TAX — an initiative statute, sponsored by Los Angeles County Supervisor Ed Edelman. (May 19th; February 1988 *CJ*)

DISCLOSURE — an initiative statute, sponsored by Jim Rogers of Oakland. (May 23rd; February 1988 *CJ*)

NUCLEAR POWER PLANT EMERGENCY RESPONSE PLANS — an initiative statute, sponsored by Ben Davis Jr. of Broderick. (June 6th; March 1988 *CJ*)

CRIMINAL LAW — an initiative constitutional amendment, sponsored by Republican state Senators Ed Davis of Northridge and Ed Royce of Anaheim, GOP Assemblyman Ross Johnson of Fullerton, Kern County District Attorney Ed Jagels, Robert Henderson, Anthony Rackauckas, Sterling Norris, Richard Riordan, and Doris Tate. (June 6th; March 1988 *CJ*)

INSURANCE RATES AND REGULATION — an initiative statute, sponsored by Harvey Rosenfield of Santa Monica. (June 9th; March 1988 *CJ*)

LONG TERM HEALTH CARE — an initiative constitutional amendment, sponsored by Janet Levy of Sacramento. (June 17th; March 1988 *CJ*)

EDUCATION TAX CREDIT — an initiative statute, sponsored by Manuel Klausner of Californians for Quality Education (Encinitas). (June 23rd; March 1988 *CJ*)

AUTOMOBILE INSURANCE; GOOD DRIVER PREMIUMS — an initiative statute, sponsored by J. Gary Gwilliam of Oakland. (June 24th; March 1988 *CJ*)

MOTOR VEHICLE AND OTHER INSURANCE — an initiative statute, sponsored by Stanley Zax of Beverly Hills. (June 24th; March 1988 *CJ*)

TAX CREDIT. AIDS RESEARCH FUND — an initiative statute, sponsored by state Controller Gray Davis and California AIDS Advisory Committee member Bruce Decker. (July 5th; March 1988 *CJ*)

MOTOR VEHICLE ACCIDENT CLAIM REIMBURSEMENT FUND — an initiative statute, sponsored by James Wheaton of the Center for Public Interest Law. (July 5th; March 1988 *CJ*)

AUTOMOBILE INSURANCE RATES — an initiative statute, sponsored by Steve Miller of Beverly Hills. (July 11th; April 1988 *CJ*)

SMALL CLAIMS COURT — an initiative statute, sponsored by Judge Roderic Duncan of the Alameda County Superior Court. (August 4th; April 1988 *CJ*)

INSURANCE REGULATION, MOTOR VEHICLE ACCIDENT CLAIMS REIMBURSEMENT PROGRAM — an initiative statute, sponsored by Democratic state Senator Alan Robbins of North Hollywood and Adam Burton of Los Angeles. (August 8th; May *CJ*)

LEGAL PRACTICE — an initiative constitutional amendment, sponsored by Sally Acosta of Los Angeles. (August 22nd; May *CJ*)

ATTORNEY FEES LIMIT FOR TORT CLAIMS — an initiative statute, sponsored by Edwin Smith of Sacramento. (September 9th; May *CJ*)

Signatures submitted:

SCHOOL FUNDING — an initiative consitutional amendment, sponsored by California Teachers Association President Ed Foglia. (March 1988 *CJ*)

AIDS TESTING — an initiative statute, sponsored by Los Angeles County Sheriff Sherman Block. (January 1988 *CJ*)

HOUSING AND NUTRITIONAL ASSISTANCE — an initiative statute, sponsored by Board of Equalization Chairman Conway Collis. (January 1988 *CJ*)

CIGARETTE AND TOBACCO TAX — an initiative constitutional amendment and statute, sponsored by Neil Andrews and Carolyn Martin of the Coalition for a Healthy California. (February 1988 *CJ*)

CAL-OSHA — an initiative statute, sponsored by John Henning of the California Labor Federation. (February 1988 *CJ*)

MOTOR VEHICLE INSURANCE — an initiative statute, sponsored by Democratic Assemblyman Richard Polanco of Los Angeles. (February 1988 *CJ*)

TERMINAL ILLNESS — an initiative statute, sponsored by Robert Risley of Los Angeles. (February 1988 *CJ*)

Failed to qualify:

OATH OF OFFICE — an initiative constitutional amendment — sponsored by Tony Avila Sampson, Floyd Sampson, Rose Sampson, William Sampson and Howard Sampson of Petaluma. (February 1988 *CJ*)

ALCOHOLIC BEVERAGES — an initiative statute, sponsored by Joseph Viducich of Beverly Hills. (January 1988 *CJ*)

Source: Secretary of State's office

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STOCKTON'S PAT JOHNSTON

Soft-spoken, hard-hitting assemblyman makes his mark

By Michael Doyle

Pat Johnston had his doubts when Willie Brown first asked him to chair the Assembly Finance and Insurance Committee. Now in his fourth term, the Stockton Democrat didn't feel immediately drawn to one of the Assembly's leading juice committees. With far more passion about subjects like education, Johnston admitted the arcana of finance and insurance lay beyond his normal realm.

"I turned him down at first," Johnston said. "I thought it would be boring, and I knew I didn't have the background."

Look at him now. The 41-year-old Johnston, in his second year of chairing Finance and Insurance, is guiding that committee through a lively year. Nine different insurance-reform initiatives are proposed for the November ballot. On-going questions about AIDS testing, bank regulation and credit-card interest rates are likewise keeping his committee's work front-and-center. Whether he converts that visibility and his own potential into higher office remains one of the Capitol's more intriguing questions in a year when the Assembly's leadership has been in turmoil (see "A crumbling speakership?" *CJ* April 1988).

"He clearly is going to be an increasingly dominant force in the state Legislature," predicts Democratic colleague Lloyd Connelly of Sacramento. "He's certainly among the handful of the very best."

Dichotomies mark him.

A soft-spoken man who once sought the priesthood, Johnston is a genuinely nice guy who can nail political opponents with merciless campaign mailers. A San Francisco native who's still termed a "carpetbagger" by some San Joaquin County opponents, he's now praised for his accessibility by many 26th District residents.

A legislator who's earned solid marks from good-government groups, Johnston gained considerable fund-raising clout and deal potential with his new Finance and Insurance chairmanship. Aided in his 1980 campaign by a struggle for the Assembly speakership, his own name has arisen in some press speculation as a possible successor to Assembly Speaker Willie Brown. Brown, however, has been both an ally of and promoter for Johnston. As recently as 1986, the speaker went all out to help elect Johnston's brother-in-law — Michael Nevin — to an open Assembly seat from the 19th District. Nevin lost the Democratic primary to Jackie Speier, now the incumbent.

These links to the Willie Brown lightning rod draw sparks from some hometown Republicans. Johnston is a nice enough fellow, they say, but too liberal for rural-but-growing San Joaquin County.

"He doesn't speak to the issues of the constituency," said Phil Wallace, head of the county's Republican Party. "He responds directly to the instructions of his boss, Willie Brown."

Dean Andal, another Stockton businessman active in Republican politics, contends that Johnston has forged an independent image within the 26th District that's at odds with his membership in the Sacramento "inner circle." Johnston's ascension to head of Finance and Insurance is payback for loyalty to Brown, Andal suggests — loyalty that Andal contends is at the expense of district needs.

For all this, Republican candidates since 1982 have yet to amass more than 43 percent of the vote against Johnston. This year's hopeful is head of the Stockton school district's small police force.

Johnston does, in fact, associate with well-credentialed liberals like Lloyd Connelly and Phil Isenberg, whose 10th

Michael Doyle is a reporter in the Washington, D.C., bureau of McClatchy Newspapers.

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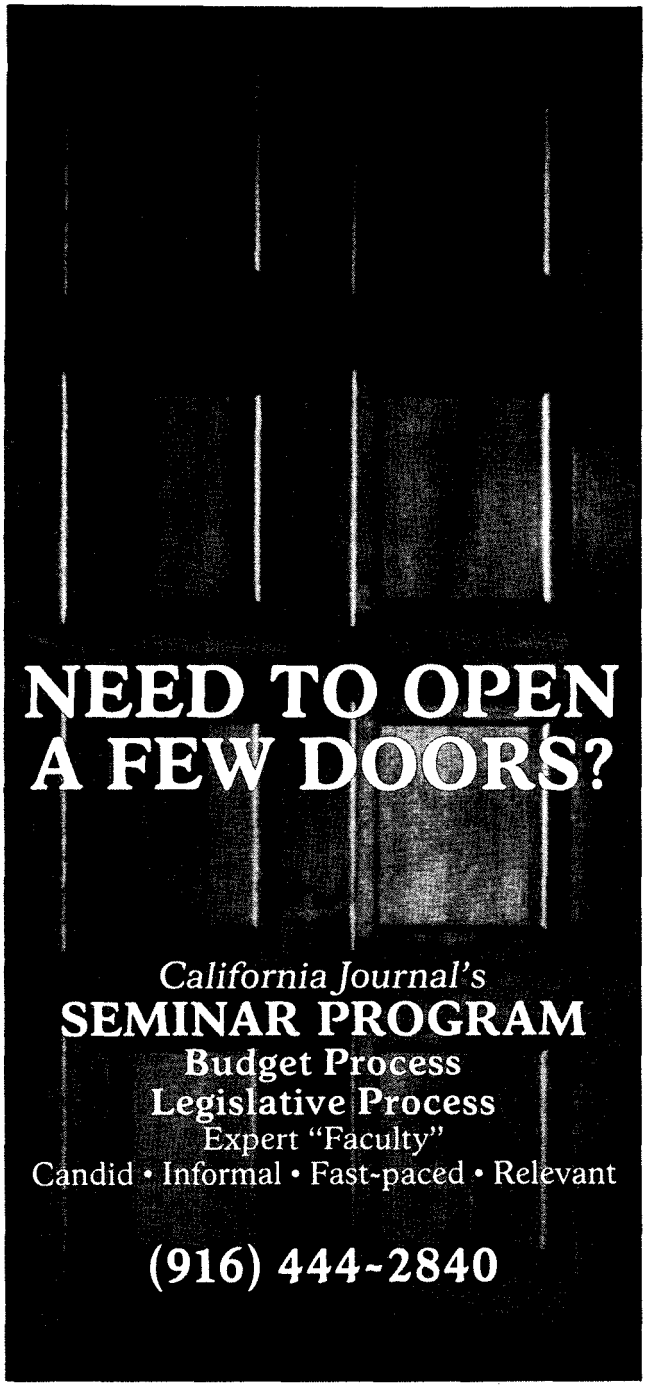

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District shares part of San Joaquin County. But Johnston's vote ratings from groups like the Americans for Democratic Action and the California Public Interest Research Group suggest more moderate leanings; and Johnston himself insists he makes up his own mind on issues.

School funding, redress for Japanese-Americans, and toxics — and immersing himself in the 26th District — kept Johnston busy during his first six years. He didn't seem a Finance and Insurance kind of guy until Brown tapped him to lead the committee in December 1986. He now holds few illusions about the pin-striped lobbyists lining up to see him, but he says there's more to his chairing F&I than a simple bottom line.

"It's not just about making money," Johnston said. "It's about life and death. The stakes are big and the stakes relate to human beings."

Highlighting the relationship between insurance and broader public policy, Johnston has confronted one aspect of the AIDS issue with his bill (AB 2900) to allow insurance companies to test Californians for the disease. It's a bill sought by the insurance companies, and some criticize AB 2900 for the tricky implications wrapped up in AIDS testing. But in his characteristic moderating fashion, Johnston has tied his effort to a separate bill by Isenberg that would create an insurance pool for the hard-to-insure.

Consumer advocates and others give Johnston good marks for this kind of balancing act.

"He'll listen to the case I'm making — in contrast to plenty of legislators," says Judith Bell, director of special projects for Consumers Union. "He really looks at these as policy questions, and not just a matter of politics."

Larry Kurmel, chief lobbyist for the California Bankers Association, says Johnston "has the ability to translate these issues for the citizen. He's honest, he's straightforward; there are no hidden-ball tricks."

Maybe Catholic schools can take some of the credit. Johnston first discovered campaigning by helping friends get elected to student body offices in San Francisco Bay Area Catholic schools. He graduated from St. Patrick's College in Menlo Park with a degree in philosophy — the first stage of a passage to the priesthood. He left that path when he began to question his own commitment — a decision also taken by some of his long-time associates. Campaign masterminds Richie Ross and Clint Reilly are two others who left the path to priesthood. Both have subsequently worked with Johnston on his real-world races.

"There's a bit of an analogy in representing a district and being pastor of a parish," Johnston mused. "It's a universe that's geographically defined, in which you minister to the needs of the people."

Johnston's first serious political involvement began in 1974. He was living in rural Calaveras County, working as a probation officer after time on a Catholic newspaper. There, he met a county supervisor named John Garamendi who hired Johnston to manage his campaign for a newly redistricted Assembly seat.

"John didn't know what it took to be a candidate, and I didn't know what it took to run a campaign," Johnston said, "but fortunately we didn't realize that at the time."

Johnston then managed Garamendi's successful 1976 Senate race; all told, he worked on Garamendi's campaigns and on his Capitol staff for six years. The two men still find themselves allies, as when they jointly spearheaded the internal state campaign for the Superconducting Super Collider. Interestingly, while Garamendi alienated some San Joaquin County farmers for his staunch support of the controversial

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atom smasher, Johnston came out of the fight with few visible bruises.

Johnston launched his own political career at the most propitious of times. He declared his 1980 challenge to incumbent Democratic Assemblyman Carmen Perino in the midst of the Leo McCarthy-Howard Berman battle for the Assembly speakership. Of the $514,000 he spent in the primary and general elections, more than $100,000 came from the McCarthy camp.

On top of the money came ready-made scandal. During the primary season, one of Perino's aides was indicted in a murder-for-hire scheme. Johnston prominently fingered the aide in a mailer, and in other brochures described Perino's earlier troubles with the Fair Political Practices Commission. One memorable brochure featured the headline: "A man of his word versus Carmen Perino."

Defeating Perino in the primary, Johnston faced former San Joaquin County Supervisor Adrian Fondse in the general election. In a protracted climax to a bitter race, Fondse was first declared the winner and took his seat, but then was unseated by a recount showing Johnston the winner by 35 votes out of about 84,000 cast. Johnston was the first Assembly member in 77 years to be seated through a recount.

None of his other campaigns have proved so rough, or so close, although Republicans spent $309,000 in San Joaquin Supervisor Doug Wilhoit's unsuccessful 1984 bid. But the county's Republicans contend they still see the hard edge lingering behind Johnston's soft speech and placid facade.

"Whenever Pat is in a tough race, he has not hesitated to throw these grenades," says San Joaquin Supervisor Doug Carter, who himself was trounced by Johnston in a genteel 1982 race.

"In hindsight, I do wish the (1980) campaign were less harsh," Johnston says, while adding significantly, "But do I wish it enough that it would jeapordize my winning?"

Johnston says he felt "very insecure politically" after the close recount victory. He spent his first term showing the flag and carrying constituent-service bills: funding a long-delayed freeway across Stockton, and providing more money for programs in the troubled Stockton Unified School District. He still commutes from the Stockton home he shares with his attorney wife and two children.

"He's always available, responsive and creative," says Bill Souse, chairman of the San Joaquin County Board of Supervisors. "He's always looking for innovative ways for government to reach the people."

Others put a more condescending spin on Johnston's availability. "He does a great job of cutting ribbons and kissing babies," said one observer. "Whenever there's more than three people, Pat Johnston will be one of them."

As Johnston has consolidated his Assembly position, he has become the one with money to share. In 1986, according to campaign disclosure statements, he distributed more than $60,000 to such Democrats as Richard Katz, Steve Clute and his old bankroller, Leo McCarthy. In addition, he gave $53,000 to brother-in-law Nevin. Johnston says such transfers help build coalitions.

Money for Johnston's own campaigns has traditionally come from labor, education, medical and attorney groups. In the first nine months of 1987, for instance, he received $10,000 from the California Trial Lawyers Association PAC — more than was given to all but four other assemblymen. But coinciding with his new chairmanship, new funds began flowing in. In the 1987 non-election year he raised $163,100, up from the $90,000 he raised in the 1985 non-election year. Contributing to the increase was an array of banks and insurance companies, which together gave him some $40,000 last year.

While not the Legislature's most avid globetrotter, Johnston still manages to see the world at the expense of special-interest groups. A 1982 trip to Israel courtesy of the Labor Zionist Alliance, a two-week swing in 1985 through Australia and Hong Kong paid for a consortium of oil companies, and a 1986 trip to Italy paid for by a labor group are among the trips revealed in his statements of economic interest. He again went abroad this February.

"I see nothing in the duties of an incumbent assemblyman that justifies travel outside the country," Dean Andal said.

Replies Johnston, "It has been an advantage to me to see other parts of the world, and to see them not at a back-breaking pace."

Disclosure statements also show Johnston's increasing popularity as an after-dinner speaker. He earned $1750 in 1983 by giving two speeches. By 1986 he had earned $5600 for eight speeches to medical, legal and school groups. And in 1987, 16 different groups paid a total of $12,100 for his time. Last year, Johnston took to donating some of this outside income to charity.

Life beyond the Assembly holds several options, Johnston admits, but he says statewide office is not one of them. Largely, though, this graduate of St. Patrick's apparently keeps in mind the biblical admonition (Matthew 6:34 and elsewhere) to consider today more than tomorrow.

Life within the Assembly holds various options as well. Johnston has been prominently mentioned as a someday successor to Willie Brown as speaker — an option that Johnston currently discounts. He is considered a likely successor because he commands the respect of members from both parties.

According to a long-time associate, Johnston is regarded by members as intelligent and thoughtful but whether he could manage the Assembly and raise significant amounts of campaign money is an open question. If Johnston has drawbacks to becoming speaker, say colleagues, it is his dislike of confrontation and his distaste for raising money from what one observer called "unattractive sources."

For his part, Johnston seems unconcerned. "The future," he says, "will have to take care of itself."

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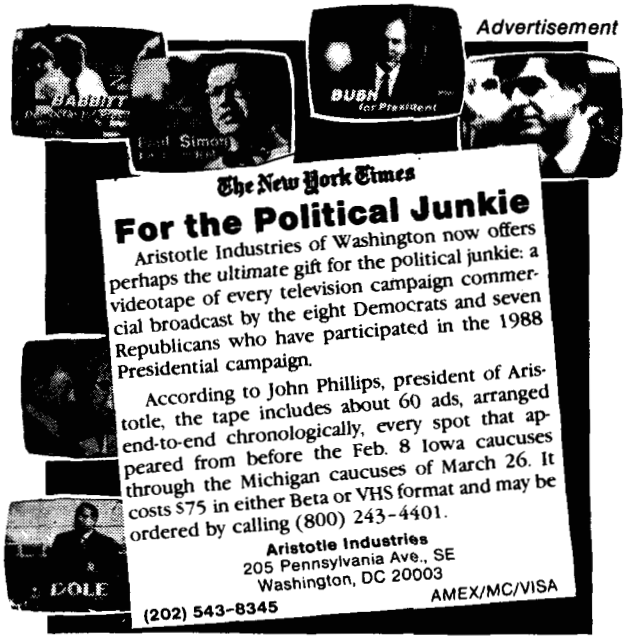

The New York Times

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SANGER LOOKS TO THE FAR EAST

Everyone wants a piece of Japan

By Edward Iwata

Call it a tale of two Pacific Rim cities. Last year, politicians from the farm town of Sanger jetted to Japan a dozen times in a bold bid to persuade Japanese investors to back a $200 million garbage-burning plant and steel mill in their Central Valley hamlet. The crestfallen city officials failed, blowing $300,000 in public funds in the try.

On the flip side, Barbara Evensizer, the 41-year-old co-owner of a carriage-making firm in Klamath Falls, Oregon, was a big hit in Japan last Fall when she represented her rural town and joined a prestigious state trade delegation to Asia.

The trade mission was wildly successful for Oregon, generating $15 million in the sales of goods and services. And business wasn't too shabby for Evensizer. She sold $150,000 worth of classic, hand-made stagecoaches, sleighs and horse-and-buggy carriages to the enchanted Japanese.

Evensizer and the Sanger politicians are part of a growing wave of local and state government and business leaders who are spending tens of millions of public and private dollars travelling to Asia on potentially lucrative trade missions. From California, a global economic power, to tiny Sanger, population 14,700, the local delegations are swarming to Pacific Rim investors like sharks to blood.

Over the past year, scores of cities and nearly 30 promotion-minded states sent large delegations to Asia for hectic rounds of business meetings, dinner receptions and factory tours. Altogether, 34 state governments run trade offices in Tokyo. And a half-dozen states have opened new offices this year in South Korea and Taiwan, the so-called "Tigers" of the Pacific Rim that are starting to challenge Japan's economic might.

But the value of these trade missions is open to debate.

Naysayers argue that most of the overseas forays are little more than "freebie" junkets that waste money and are mostly for show. They note that few big business deals are sealed with Asians as a direct outcome of the trips. Government and business officials disagree heartily. They believe that diplomacy, modern-day marketing and good old-fashioned gladhanding will overcome the vast business and cultural gaps between the U.S. and Asia.

"You've got to lay the seeds," said Hayward Mayor Alex Giuliani. "You've got to shake hands and make friends and let Asian businessmen know they're welcome in your town."

"Establishing trust is the first step, and that takes time," said Clark Goecker, executive director of the Japan American Conference of Mayors and Chamber of Commerce Presidents. "The Japanese, especially, invest in places they feel comfortable about, and they do business with people they know."

Of course, big port cities on the West Coast, and industries from agriculture to lumber to computers, have long known the importance of Asian trade. But only in recent years have many local and state governments leapt onto the Pacific Rim bandwagon. For instance:

•In Hayward, Mayor Giuliani last Fall flew to Tokyo for a conference of mayors and business people. He embarked on his journey with a sense of hope and urgency. Hayward, an old blue-collar town that has lost economic vitality since the 1970s, is struggling to keep pace with the rapid growth and development in the Bay Area. The trip to Japan may have provided a cure: Giuliani bumped into a Japanese investor who will visit Hayward soon to possibly revive a stalled $40 million hotel project.

•In Oakland, city envoys — often joined by Port of Oakland officials — have flown to Hong Kong several times in recent years, according to George Williams, the city's economic develop-

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Edward Iwata is a reporter for the San Francisco Chronicle *and a freelance contributor to* Newsweek Japan.

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ment director. The fruitful trade missions have reeled in big investors. Hong Kong businessmen are backing the $50 million TransPacific office building, the $200 million Chinatown redevelopment project and a $24 million refinancing plan for the troubled Hyatt Hotel in downtown Oakland. Asians have also invested another $300 million in smaller projects and businesses in Oakland.

"If you don't do your homework," said Williams, "you can go to the Far East, spin your wheels and get nowhere."

Not to be outdone, California opened its new trade office in Tokyo early last year with the help of Governor Deukmejian and his ballyhooed trade jaunt to Asia. The photographs of Deukmejian cracking open a cask of Japanese *sake* made great visuals for the nightly news, but the best was yet to come. The trip drummed up more that $100 million in investments in California, according to James Robinson, a press spokesman for the governor.

Surprisingly, the state of California has been a latecomer to the Great Pacific Rim Sweepstakes. Private industry — mainly the agricultural industry, the California Chamber of Commerce and the California World Trade Commission, a private-public body — has sponsored and paid for yearly trade shows and missions to Japan for two decades. But only recently have state government officials realized that California can no longer live off its reputation in a brutally competitive Pacific Basin economy.

"There used to be a feeling that California could pretty much coast along on because of its size and economic diversity," said Thomas Beerman, an assistant press secretary for Deukmejian. "The governor, though, sees a real need for promoting the state. Instead of saying we're closing deals overseas, we like to say we're opening doors."

For certain, the economic prizes are great.

Asian countries pump far more dollars into California than any other state — over 25 percent of all Asian investments in the U.S. flow here, according to the state Department of Commerce. Last year, Asian nations — mostly Japan and Hong Kong — created 66,000 jobs in California and invested $6.3 billion in real estate, mergers and acquisitions, factories and branch offices. In turn, California exported $17.5 billion in goods to Asia and imported $54 billion, noted economist Robert Churney of the California World Trade Commission.

Economists are also pretty bullish about the growing market in Asia for U.S. exports. The numbers tell the story. In a rosy scenario, the U.S. next year will export $29 billion, an 11 percent rise, to Japan and $44.5 million, a 15 percent hike, to other Asian nations, predicted Miliam Brahmbhatt, a senior economist at Data Resources of Lexington, Massachusetts, and the U.S. Department of Commerce.

Hands down, Oregon is the shrewdest veteran of Asian trade missions. State officials have bartered with import-hungry Japan since the late 1940s, when frozen potato sellers hit the Tokyo streets and showed curious Japanese housewives how to use tempura pots to cook french fries.

Since then, the Oregon government and businesses have spent tens of millions of dollars flying 200 delegations to Japan, South Korea and Taiwan. And each year the state puts on splashy trade shows that showcase Oregon products, from timber to raw onions.

Is the courtship paying off?

In a surprising show of strength, Oregon's exports equal nearly half of California's export total. And its balanced ratio of exports to imports is a strong sign of healthy trade, compared to, say, California's huge $37 billion trade deficit with Japan. Last year, Oregon shipped $3.3 billion in fruits and vegetables, wheat, lumber, cattle and manufactured goods to Asia. At the same time, Asian countries imported $4 billion, according to government spokesman Dalton Hobbs.

"To be honest, everyone thinks the trade missions are very productive," said Hobbs. "We're not talking about a whole lot of public tax dollars, compared to the economic benefits."

Barbara Evensizer, the small-town carriage-maker, said the Japanese went crazy over her custom-made oak, ash and maple carriages. By the time the Oregonians left Japan, Evensizer had sold carriages to Tokyo Disneyland, a safari park owner and Toshimitso Tomita, a famed Japanese actor who starred in director Akira Kurosawa's acclaimed movie, "Ran."

"God, I love Japan," said Evensizer, laughing. "The orders keep coming in. We're talking now with two businessmen who want exclusive distributorships. The trip cost me $6000 out of my pocket, but it was worth every cent."

Of course, not all of the trade junkets are as successful.

In Sanger, city leaders for years had debated ways to strengthen their town's weak economy, which is kept alive by agriculture. Three years ago, they decided to build a steel mill and modern waste-to-energy plant, hoping it would lure new businesses and hundreds of jobs to their region.

Sanger officials started talking with a consortium of Japanese investors — Sato Kogyo Co., Takuma Co. and C. Itoh & Co. in Tokyo and Osaka — that boasts a long history of financing public works projects. But the deal fell through in November when the Japanese apparently grew leery of layers of government regulations and the new technology the plant would need, according to acting City Manager Stan Green.

Critics questioned the financial savvy of small town officials gambling $300,000 in public funds on such a high-risk venture. Others hailed the Sanger leaders for their gung-ho attempts to better their town.

"There's been a lot of grumbling about all the money we spent, but hindsight is always 20/20," said Green. "We feel strongly that this was a viable project. Yes, everyone's hopes were dashed, but now we're moving on to other things."

Some economists pooh-pooh the notion that trade junkets alone will do much good. They note that there are larger, complex forces at work such as geopolitics, the worldwide flow of goods, the Japanese distrust of imports and shifting money exchange rates. San Francisco, for instance, lags far behind booming Southern California in the competition for Asian dollars despite years of aggressive promotion of the city.

"Trade missions are high profile and look real good, but politicians should stay in their own realm," said Frank Wykoff, a nationally known economics professor at the Claremont Graduate School in Pomona. "They should make sure the streets are clean and the schools are working, and provide a congenial environment for business. The business decisions should be left to businessmen."

Other analysts are a shade more optimistic. If economic forces favor America, it's vital that U.S. business people and local governments cultivate trust with Pacific Basin nations.

"You have to win the confidence of Asians and establish long-term links — you can't just go in there and make a quick deal," said Brahmbhatt, the economist for Data Resources. "Asian producers appreciate persistent efforts over time. Once you do that, the productivity of trade missions may grow dramatically."

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Willie and Jesse

On a recent sunny morning, a fascinating ritual of power was enacted in a grand, if somewhat musty, old hotel frequented by the Washington Establishment. Aged Democratic power-broker Clark Clifford led a contingent of Washington insiders who took their breakfast with Jesse Jackson, a charismatic figure of change.

AS REPORTERS AND PHOTOGRAPHERS mobbed the hotel lobby and trampled a potted palm to interview departing guests, an urbane and dapper man stepped forward to take control. He organized the clamorous reporters, introduced the influential participants and fielded questions. He clearly was as much at ease in the national spotlight as he was delighted to be there.

He was California's Assembly Speaker Willie Brown.

In Sacramento, Brown is regularly harrassed and humiliated by the "Gang of Five" rebellion that threatens his hold on power and insults his considerable pride. The San Francisco Democrat has found a respite from such troubles in his glamorous post as national chairman of Jackson's dramatic presidential campaign.

Always a quotable favorite of the national press, Brown has been featured in the *Wall Street Journal* and on "This Week with David Brinkley" as Jackson's campaign chief. He has been the campaign's emissary in negotiations with chieftains of Congress and organized labor.

Brown's involvement in the Jackson campaign has been at once natural and surprising. Both are dynamic and compelling Black leaders. But Brown has been known in recent years far more as a relentless pragamatist — and as a wealthy lawyer for powerful San Francisco developers — than as a crusader for the poor and oppressed.

When Jackson first ran for president four years ago, Brown dutifully served as a figurehead leader of California Senator Alan Cranston's futile presidential campaign. By helping to lead Jackson's campaign this year, Brown may reassert his commitment to traditional issues of social justice and his claim to a role in the national Black leadership.

By all accounts, Brown has served as far more than a figurehead in Jackson's campaign. The Californian recruited Ohio political operative Gerald Austin, who has been highly regarded as Jackson's campaign manager.

Brown says his longtime "buddy-buddy" relationship with Jackson has grown into true friendship. "I don't even mind taking his calls at 6:30 in the morning," Brown said wryly. "He calls you at any hour he deems appropriate."

But Brown's role in the Jackson campaign has not been without cost. With his hold on the speakership under siege, Brown has been at pains to assure his Assembly members that he has not slighted his leadership duties in California nor tapped the special interests that bankroll Democratic Assembly races as potential Jackson contributors.

Brown also conceded that his work for Jackson, who is disliked by Jewish leaders, has caused some strains among the speaker's California supporters. "I don't like having to explain to some of my friends," he said, "particularly, my Jewish friends, over and over why I'm in the Jackson campaign, and then have them question my judgment."

Nor has Brown's sharp, quick tongue always served his candidate well. Appearing on Brinkley's show, Brown admitted Jackson would be hurt if he lost an upcoming primary — campaign strategists are always supposed to play down expectations, not build them — and too-cavalierly dismissed touchy questions about some of his candidate's past statements.

More recently, Brown and Austin were publicly chastised by Jackson himself for conceding defeat too quickly and engaging in public speculation about what Jackson might seek from nominee Michael Dukakis.

"Those statements were utterly untrue and do not represent the spirit and thrust of this campaign or my work," Jackson said sternly.

After such episodes, one Jackson campaign insider complained to a CNN television reporter that it seemed Brown was "setting up his own agenda."

Brown insisted he was simply having some trouble adjusting to his unaccustomed role as somebody else's spokesman. "I have to be careful," Brown said with a broad smile, "and that's a strange role for me."

Meanwhile, another Californian keeps getting talked about nationally despite himself. Governor George Deukmejian shows up high on every speculative list of Republican candidate George Bush's likely running mates.

Of course, these lists are merely the stuff of Washington punditry. Bush isn't saying whom he favors. Because the Democrats will hold their convention in July, a month before the Republicans, Bush won't have to decide on his running mate until after he sees how the Democrats choose to balance their ticket.

BUT COLUMNISTS AND MANY Republican insiders persist in putting Deukmejian's name on their list, despite his protestations and those of other California Republicans that it would be unthinkable for him to go off to Washington and turn the state over to a Democratic lieutenant governor.

The Deukmejian-for-Veep speculation, however idle it may prove, serves to underline what a difference of perception a continent's distance can make. When winning the White House is at stake, few self-absorbed Washington bigshots can imagine why in the world anyone would care who is governor of California.

(Larry Liebert is the Washington bureau chief for the San Francisco Chronicle.)

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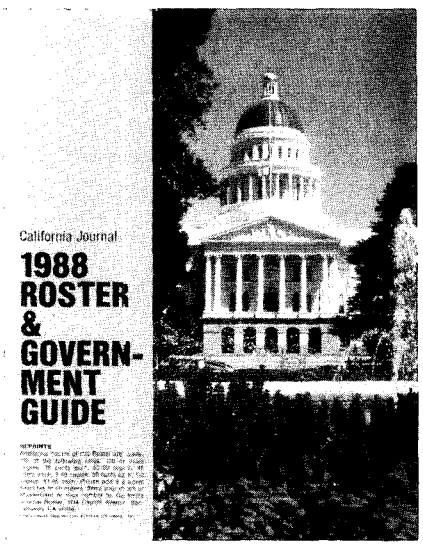
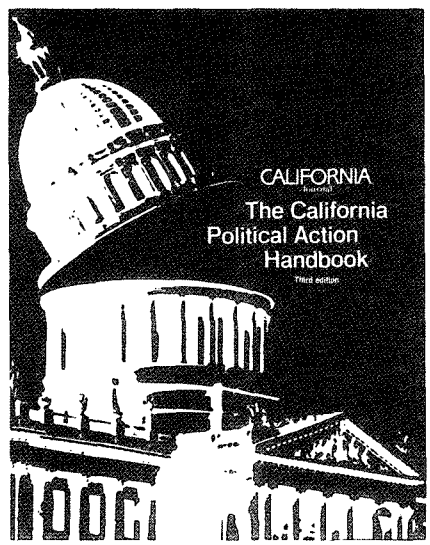
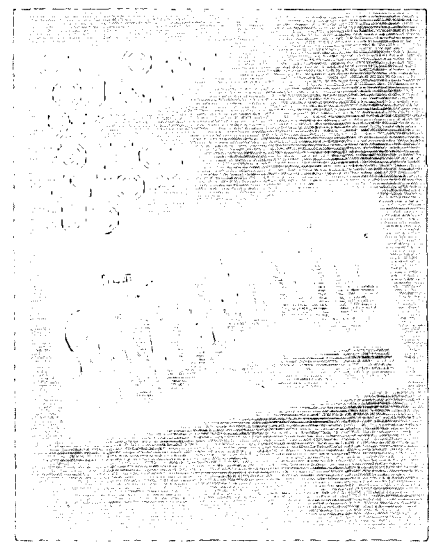


Roster & Government Guide, 1988, contains the names, titles, addresses and telephone numbers of all the key players in California government; lists of state agencies and boards, a legislative-process chart, legislative committee memberships and plenty of other useful information. Price for the 16-page pamphlet: 1-2 copies, $1.95 each; 3-49 copies, 90¢ each; 50-99 copies, 48¢ each; 100 or more copies, 36¢ each.



The California Political Action Handbook, Third Edition. This guide to the political game in Sacramento answers these questions: How can an organization or an individual win in Sacramento? What tactics should be applied when legislative emergencies arise? How can the bureaucracy be penetrated? How can elections be won? Price for the 16-page, 8½ x 11" handbook: $1.95 each; 2-49 copies, 95¢ each; 50-99 copies, 74¢ each; 100 or more, 54¢ each.



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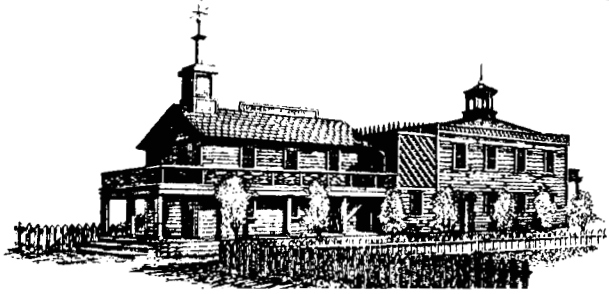

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LISTING OF STUDENT LOANS BEGINNING ON 4-9-80 TO 3-31-88

STATE	AMT FUNDED	STATE	AMT FUNDED
ALASKA	$ 146,362	MICHIGAN	$ 3,672,979
ALABAMA	11,211,939	MINNESOTA	80,256
ARKANSAS	8,281,392	MISSOURI	7,794,074
ARIZONA	15,454,755	MISSISSIPPI	2,987,199
CALIFORNIA	**656,672,706**	NO CAROLINA	8,296,551
COLORADO	1,545,967	NEW JERSEY	12,096,917
CONNECTICUT	25,773,013	NEW MEXICO	17,408
DELAWARE	1,436,225	NEVADA	10,152,373
FLORIDA	16,139,924	NEW YORK	40,851,994
GEORGIA	7,928,352	OHIO	28,494,744
HAWAII	3,000	OKLAHOMA	23,161,929
IOWA	529,192	OREGON	5,757,487
IDAHO	6,250	PENNSYLVANIA	26,206,674
ILLINOIS	9,536,304	RHODE ISLAND	1,729,550
INDIANA	2,722,794	SO.CAROLINA	442,350
INTERNATIONAL	3,597,985	TENNESSEE	5,230,736
KANSAS	726,671	TEXAS	18,671,877
KENTUCKY	4,432,900	UTAH	2,822,092
LOUISIANA	28,905,254	VIRGINIA	4,116,478
MASSACHUSETTS	2,423,958	VERMONT	3,000
MARYLAND	8,904,668	WASHINGTON	27,488,890
MAINE	173,779	WEST VIRGINIA	3,825
		WISCONSIN	3,108
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